U.S. Department of Justice
Office of Information Law and Policy

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# Freedom of Information Case List

## September 1980 Edition

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# Freedom of Information Case List

## *September 1980 Edition*

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**SPECIAL FEATURE IN THIS EDITION:**

**3rd Edition, A Short Guide to the Freedom of Information Act**

**OTHER FEATURES:**

1. **List of Privacy Act Cases with indications of topics in each.**
2. **List of Federal Advisory Committee Act Cases**
3. **List of Sunshine Act Cases**
4. **Texts of the 4 major "openness" statutes**

**Office of Information Law and Policy**
*U.S. Department of Justice*
*Washington, D.C. 20530*

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# Freedom of Information Case List

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# FREEDOM OF INFORMATION CASE LIST

## SEPTEMBER 1980 EDITION

The basic purpose of the Freedom of Information Case List is to list alphabetically and to index by topics all court decisions, reported and unreported, containing opinion-type material relating to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Each case in the alphabetical list is given a sequential number, from 1 to 1041, and that number appears in the Topical Index under the appropriate headings. Thus, citations to FOIA judicial decisions can be found knowing either the name of the case or the topic which is of interest. NOTE: All FOIA decisions in this edition of the Case List are contained in a single list; i.e., there is no Supplement.

This edition supersedes that of March, 1979. It includes reported opinions through the advance sheets of the week of July 7, 1980, and slip opinions received in the Office of Information Law and Policy by July 31, 1980.

This edition also contains a list of Privacy Act decisions with an indication of the topics covered in each, and lists of Federal Advisory Committee Act and Sunshine Act decisions without indications of the topics covered. It also contains the complete texts of these three statutes and of the Freedom of Information Act, as amended.

The Office of Information Law and Policy (OILP)* is distributing one copy of this edition to the principal legal contact (as reported by the agencies to OILP) for FOIA matters at each agency of the Federal Government. It is also distributing copies to components of the Justice Department. Agencies wishing additional copies, and private citizens, may order copies from the Government Printing Office by using the stock number at the bottom of the title page.

This edition was prepared under the supervision of Douglas S. Wood, Deputy Director of OILP. The editor was Cheri L. McCracken.

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* Office of Information Law and Policy, U.S. Department of Justice, Washington, D.C. 20530. The Department of Justice's responsibilities for encouraging agency compliance with the FOIA were transferred to the Office of Information Law and Policy (OILP) in the order which created the Office. D.J. Order No. 803-78, dated September 27, 1978, Federal Register of October 5, 1978, Page 45991. 28 C.F.R. § 0.28 et seq.

# FREEDOM OF INFORMATION CASE LIST

September 1980

| | | |
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| (1) | Attorneys fees | Abdoo v. Federal Bureau of Investigation, No. 78-1899 (E.D. Pa. 1979). |
| (2) | (b)(7)(A), injunction of agency proceedings pending resolution of FOIA claim | Abrahamson Chrysler-Plymouth, Inc. v. NLRB, No. 76 C 248 (N.D. Ill. 1976), aff'd, 561 F.2d 63 (7th Cir. 1977). |
| (3) | Privacy Act | Abramsky v. U.S. Product Safety Commission, 478 F. Supp. 1040 (S.D. N.Y. 1979). |
| (4) | (b)(7) | Abramson v. Federal Bureau of Investigation, No. 79-2206 (D.D.C.1979). |
| (5) | (b)(5), (b)(6) | Ackerly v. Ley, 420 F.2d 1336 (D.C. Cir. 1969). |
| (6) | (b)(6) | Adams v. F.B.I., No. 78-0849 (D.D.C. 1978). |
| (7) | Leaks | Agee v. C.I.A., 1 Gov't. Disclosure (P-H) ¶ 80,105 (D.D.C. 1980). |
| (8) | (a)(2), (b)(5), (b)(7)(A) | Agricultural Services Ass'n. v. Interstate Commerce Commission, No. 79-1455 (D.D.C. 1979). |
| (9) | (a)(1)(C), (a)(1)(D) | Aiken v. Obledo, 442 F. Supp. 628 (E.D. Cal. 1977), admin. costs, 480 F. Supp. 1314 (E.D. Cal. 1979). |
| (10) | Privacy Act | Alford v. C.I.A., 610 F.2d 348 (5th Cir. 1980). |
| (11) | (b)(1), (b)(3), 50 U.S.C. § 403, leaks | Alfred A. Knopf, Inc. v. Colby, 509 F.2d 1362 (4th Cir. 1975), cert. denied, 421 U.S. 922 (1975). |
| (12) | (b)(7)(A), (b)(7)(C) | Alirez v. NLRB, No. 79-Z-1243 (D. Colo. 1980). |
| (13) | (b)(1), (b)(2), (b)(3), 50 U.S.C. §403 | Allen v. C.I.A., 1 Gov't. Disclosure, (P-H) ¶ 80,033 (D.D.C. 1980). |
| (14) | (b)(2), (b)(5), (b)(7)(C), (b)(7)(D), (b)(7)(E), (b)(7)(F), agency records (judicial branch records not agency records), adequacy of agency affidavit | Alvarez v. U.S. Department of Justice, No. 79-2971 (D.D.C. 1980). |

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| (15) | Injunction of agency proceeding pending resolution of FOIA claim | *Amerace Corp.* v. *NLRB*, 91 L.R.R.M. 2344 (W.D. Tenn. 1975). |
| (16) | (b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D) | *Amerace Corp., ESNA Division* v. *NLRB*, 431 F. Supp. 453 (W.D. Tenn. 1976). |
| (17) | (b)(4) | *American Airlines, Inc.* v. *National Mediation Bd.*, 453 F. Supp. 430 (S.D. N.Y. 1978), *rev'd*, 588 F.2d 863 (2d Cir. 1978). |
| (18) | Attorneys fees | *American Broadcasting Companies, Inc.* v. *U.S. Department of Labor*, No. 78-1711 (D.D.C. 1979). |
| (19) | (b)(7)(D), FOIA as a discovery tool | *American Civil Liberties Union* v. *Brown*, 609 F.2d 277 (7th Cir. 1979). |
| (20) | Privacy Act | *American Federation of Government Employees* v. *Defense General Supply Center*, No. 77-1145, (4th Cir. 1978). |
| (21) | (a)(2)(A), (b)(5), incorporation by reference | *American Federation of Government Employees, AFL-CIO* v. *Department of the Army*, 441 F. Supp. 1308 (D.D.C. 1977). |
| (22) | (a)(4)(E), attorneys fees | *American Federation of Government Employees, AFL-CIO* v. *Rosen*, 418 F. Supp. 205 (N.D. Ill. 1976). |
| (23) | Privacy Act | *American Federation of Government Employees* v. *N.A.S.A.*, 482 F. Supp 281 (S.D. Tex. 1980). |
| (24) | Privacy Act | *American Federation of Government Employees* v. *Veterans Administration*, No. 79-2180 (D.D.C. 1979). |
| (25) | Privacy Act | *American Friends Service Comm.* v. *Webster*, No. 79-1655 (D.D.C. 1980). |
| (26) | (b)(5), (b)(7)(D), attorney work-product privilege | *American General Insurance Co.* v. *S.E.C.*, No. 79-1212 (D.D.C. 1980). |
| (27) | (b)(3), 50 U.S.C. § 2406(c) | *American Jewish Congress* v. *Morton*, No. 75-1541 (D.D.C. 1976), *rev'd sub nom.*, *American Jewish Congress* v. *Kreps*, 574 F.2d 624 (D.C. Cir. 1978). |
| (28) | (b)(5) | *American Mail Line, Ltd.* v. *Gulick*, 411 F.2d 696 (D.C. Cir. 1969). |
| (29) | Injunction of agency proceeding pending resolution of FOIA claim | *AMF* v. *NLRB*, 91 L.R.R.M. 2420 (D. Colo. 1976). |

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| (30) | (b)(7)(A) | *AMF Head Division of AMF, Inc.* v *NLRB*, 564 F.2d 374 (10th Cir. 1977). |
| (31) | (b)(7)(A) | *Amolsch & Madden, Inc.* v. *F.T.C.*, 591 F.2d 809 (D.C. Cir. 1978). |
| (32) | (b)(4), (b)(5), (b)(7)(A), (b)(7)(D), *in camera* inspection | *Amway* v. *F.T.C.*, 1976-1 Trade Cas. (CCH) ¶ 60,798 (D.D.C. 1976). |
| (33) | (b)(3) | *Anastas* v. *United States*, No. C-78-2823 (N.D. Cal. 1979). |
| (34) | (b)(7) | *Anchorage Building Trades Council* v. *H.U.D.*, 384 F. Supp. 1236 (D. Alas. 1974). |
| (35) | (a)(1)(D), (a)(2)(B), publication | *Anderson* v. *Butz*, 428 F. Supp. 245 (E.D. Cal. 1975), *aff'd*, 550 F.2d 459 (9th Cir. 1977). |
| (36) | Privacy Act | *Anderson* v. *U.S. Department of Treasury*, ___ F.2d ___ (D.C. Cir. 1979) (No. 78-1085). |
| (37) | (b)(7)(A) | *Anderson Greenwood & Co.* v. *NLRB*, 604 F.2d 322 (5th Cir. 1979). |
| (38) | (b)(7)(C), (b)(7)(D) | *Andrejko* v. *Civiletti*, No. 78-207 (D.D.C. 1979). |
| (39) | (b)(1), (b)(3), (b)(6), duty to search | *Anthony* v. *Central Intelligence Agency*, No. 79-305-A (E.D. Va. 1979). |
| (40) | (b)(7), discovery in FOIA litigation | *Antonio* v. *Kelley*, No. 75-1071 (D.D.C. 1978). |
| (41) | (a)(1), incorporation by reference | *Appalachian Power Co.* v. *Train*, 566 F.2d 451 (4th Cir. 1977). |
| (42) | (b)(7)(C), (b)(7)(D), (b)(7)(E) | *Arey* v. *Department of Treasury*, No. N-76-39 (D. Md. 1977). |
| (43) | (a)(1)(D) | *Arlington Oil Mills, Inc.* v. *Knebel*, 543 F.2d 1092 (5th Cir. 1976). |
| (44) | Fees (search and duplication) | *Armstrong* v. *F.B.I.*, No. 78-1774 (D.D.C. 1979). |
| (45) | (a)(4)(A), fees (search and duplication), fees - waiver | *Armstrong* v. *U.S. Department of Justice*, No. 78-1381 (D.D.C 1979). |
| (46) | (b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D), *Vaughn* index | *Art-Metal-USA, Inc.* v. *General Services Administration*, No. 78-2293 (D.D.C 1980). |

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| (47) | Privacy Act | Ash v. United States, No. 77-434-Orl-Cir-R (M.D. Fla. 1979), aff'd, 608 F.2d 178 (5th Cir. 1979). |
| (48) | (b)(5), (b)(7) | Ash Grove Cement Co. v. F.T.C, 371 F. Supp. 370 (D.D.C. 1973), remanded, 511 F.2d 815 (D.C. Cir. 1975). |
| (49) | Congressional subpoenas, disclosures to Congress, discretionary release | Ashland Oil, Inc. v. F.T.C., 409 F.2d 297 (D.D.C. 1976), aff'd, 548 F.2d 977 (D.C. Cir. 1976). |
| (50) | (b)(5), (b)(7) | Aspin v. Department of Defense, 348 F. Supp. 1081 (D.D.C. 1972), aff'd, 491 F.2d 24 (D.C. Cir. 1973). |
| (51) | (b)(1) | Aspin v. United States Department of Defense, 453 F. Supp. 520 (E.D. Wis. 1978). |
| (52) | Reverse FOIA case, (b)(1)-(b)(9), discretionary release, proper party defendant | Associated Dry Goods Corp. v. E.E.O.C., 419 F. Supp. 387 (E.D. Va. 1976), additional issues decided 454 F. Supp. 387 (E.D. Va. 1978). |
| (53) | (b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D) | Associated Dry Goods Corp. v. NLRB, 455 F. Supp. 802 (S.D.N.Y. 1978). |
| (54) | (b)(6), attorneys fees | Associated General Contractors v. Environmental Protection Agency, No. R-79-139 (D. Nev. 1980). |
| (55) | (b)(7)(A), (b)(7)(B), (b)(7)(C) | Associated General Contractors of America v. Small Business Administration, 1 Gov't. Disclosure (P-H) ¶ 79,119 (D.D.C. 1979). |
| (56) | (b)(3), I.R.C. § 6103, 7213 | Association of American Railroads v. United States, 371 F. Supp. 114 (D.D.C. 1974). |
| (57) | (b)(4), (b)(6), duty to disclose, FOIA as a discovery tool | Association For Women in Science v. Califano, 566 F.2d 339 (D.C. Cir. 1977). |
| (58) | (a)(2), (b)(5) | Astro Communications Laboratory v. Renegotiation Board, No. 2403-70 (D.D.C. 1974). |
| (59) | (b)(6), (b)(7)(C), (b)(8) | Atkinson v. F.D.I.C., 1 Gov't. Disclosure (P-H), ¶80,034 (D.D.C. 1980). |
| (60) | (b)(5), (b)(7)(A), injunction of agency proceeding pending resolution of FOIA claim | Atlas Industries v. NLRB, 91 L.R.R.M. 2676 (N.D. Ohio 1976). |
| (61) | (b)(7)(A), (b)(7)(C), (b)(7)(D), FOIA as a discovery tool | Au & Son, Inc. v. NLRB, 405 F. Supp. 1200 (W.D. Pa. 1975), aff'd, 538 F.2d 80 (3d Cir. 1976). |

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| (62) | (b)(4), (b)(5) | *Audio Technical Services Ltd.* v. *Dept. of the Army*, 487 F. Supp. 779 (D.D.C. 1979). |
| (63) | (b)(2), (b)(3), 45 U.S.C. § 548, (b)(4), (b)(5), (b)(6), (b)(7), agency | *Aug* v. *Nat'l Railroad Passenger Corp.*, 425 F. Supp. 946 (D.D.C. 1976). |
| (64) | Injunction of agency proceeding pending resolution of FOIA claim | *Automobile Club of Missouri* v. *NLRB*, 71 Lab. Cas. (CCH) ¶ 13,672 (D.D.C. 1973). |
| (65) | (b)(7), (b)(7)(C), (b)(7)(D), (b)(7)(F) | *Avery* v. *Secret Service*, No. N-76-39 (D. Md. 1977). |
| (66) | (a)(2), (a)(6)(A), (b)(1), (b)(3), 49 U.S.C. § 1461, (b)(5), prompt disclosure | *Aviation Consumer Action Project* v. *C.A.B.*, 412 F. Supp. 1028 (D.D.C. 1976), *motion to compel*, 418 F. Supp. 634 (D.D.C. 1976). |
| (67) | (b)(5), FACA, exhaustion of administrative remedies | *Aviation Consumer Action Project* v. *Washburn*, 535 F.2d 101 (D.C. Cir 1976). |
| (68) | Privacy Act, attorneys fees, disciplinary proceedings, duty to disclose newly-created records, proper party defendant, summary judgment | *Aviation Data Services, Inc.* v. *Federal Aviation Admin.*, No. 79-1079 (D. Kan. 1979). |
| (69) | (b)(3), (b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E) | *Ayoub* v. *Department of State*, No. 76-2309 (D.D.C. 1978). |
| (70) | (b)(3), I.R.C. § 6103, 7213, (b)(5), (b)(7) | *B & C Tire Co., Inc.* v. *I.R.S.*, 376 F. Supp. 708 (N.D. Ala. 1974). |
| (71) | Reverse FOIA case, (b)(3), 18 U.S.C. § 1905, jurisdiction | *Babcock & Wilcox Co.* v. *Rumsfeld*, 70 F.R.D. 595 (N.D. Ohio 1976). |
| (72) | (b)(3), 50 U.S.C. § 403 | *Bachrack* v. *C.I.A.*, No. CV 75-3727-WPG (C.D. Cal. 1975). |
| (73) | Agency, proper party defendant | *Bacin* v. *Smith*, No. 78-4828-AAG (Kx) (C.D. Cal. 1979). |
| (74) | (a)(4)(E), (b)(1), (b)(3), 50 U.S.C. § 403, (b)(6), (b)(7)(C), attorneys fees | *Baez* v. *C.I.A.*, No. 76-1920 (D.D.C. 1977), *attorneys fees*, (D.D.C. 1979). |
| (75) | (b)(1), (b)(3), (b)(7)(C) | *Baez* v. *Department of Justice*, No. 76-1922 (D.D.C. 1979). |

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| (76) | (b)(3), 50 U.S.C. § 403, in camera inspection, reasonably segregable | Baker v. C.I.A, 425 F. Supp. 633 (D.D.C. 1977), aff'd, 580 F.2d 664 (D.C. Cir. 1978). |
| (77) | (b)(3), (b)(7)(A), Rule 6(e) Fed.R. Crim.P. | Baldwin v. Finney, No. 75-1221 (D. D.C. 1976), aff'd on new grounds sub nom., Baldwin v. Baker, No. 75-1221 (D. D.C. 1978). |
| (78) | Privacy Act | Bambulas v. Chief, United States Marshal, No. 77-3229 (D. Kan. 1979). |
| (79) | Injunction of agency proceeding pending resolution of FOIA claim | Bannercraft Clothing Co. v. Renegotiation Board, 466 F.2d 345 (D.C. Cir. 1972), rev'd, 415 U.S. 1 (1974). |
| (80) | (b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D) | Baptist Memorial Hospital v. NLRB, 92 L.R.R.M. 2645 (W.D. Tenn. 1976). |
| (81) | (b)(4), (b)(7) | Barceloneta Shoe Corp. v. Compton, 271 F. Supp. 591 (D.P.R. 1967). |
| (82) | (b)(7) | Barnes & Noble Bookstores v. NLRB, 92 L.R.R.M. 2169 (S.D.N.Y. 1976). |
| (83) | No topics for index | Barney v. I.R.S., No. 78-5100 (D.S.D. 1979), aff'd, 618 F.2d 1268 (8th Cir. 1980). |
| (84) | (b)(3), I.R.C. § 6103, (b)(7) | Barney v. Kurtz, No. 77-5031 (D.S.D. 1978). |
| (85) | Privacy Act, attorneys fees | Barrett v. U.S. Customs Service, No. 77-3033 consolidated with Nos. 78-213, 78,808, 78,834, 78-1322, 78-1535, 78-1876 & 78,1877 (E.D. 1979), aff'd, __ F.2d __ (5th Cir. 1980), (No. 79-2080). |
| (86) | Privacy Act | Barrett v. United States Customs Service, 482 F. Supp. 779 (E.D. La. 1980). |
| (87) | (b)(5) | Basdenas v. U.S. Nuclear Regulatory Commission, No. 78-0465 (D.D.C. 1978). |
| (88) | Privacy Act | Bashaw v. U.S. Department of Treasury, 468 F. Supp. 1195 (E.D. Wis. 1979). |
| (89) | Fees (search and duplication) | Bast v. Defense Communications Agency, No. 76-1177 (D.D.C. 1979). |
| (90) | (b)(6), (b)(7)(C) | Bast v. Department of Justice, No. 77-1107 (D.D.C. 1978). |
| (91) | Fees (search and duplication) | Bast v. U.S. Department of Justice, No. 76-0797 (D.D.C. 1979). |
| (92) | (b)(5), (b)(6), (b)(7)(C) | Bast v. U.S. Department of Justice, Nos. 78-1058 & 78-1059 (D.D.C. 1979). |

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| (93) | Injunction of agency proceeding pending examination by plaintiff of (a)(2) indices | *Bayview Associates* v. *NLRB*, 75 Lab. Cas. (CCH) ¶ 10,524 (D.D.C. 1974). |
| (94) | Privacy Act, duty to search, exhaustion of administrative remedies | *Bazelow* v. *Civil Service*, 1 Gov't. Disclosure (P-H) ¶ 79,134 (S.D.N.Y. 1979). |
| (95) | Adequacy of request, duty to search | *Beacon Journal Publishing Co.* v. *Attorney General of the United States*, No. C-77-235-A (N.D. Ohio 1978). |
| (96) | Exhaustion of administrative remedies | *Beckwith* v. *Department of Justice*, No. GC 77-27-K (N.D. Miss. 1978). |
| (97) | Duty to search | *Belfiore* v. *U.S. Army*, No. 77-1176-MA (D. Mass. 1978) |
| (98) | (b)(3), I.R.C. § 6103 | *Belisle* v. *C.I.R.*, 462 F. Supp. 460 (W.D. Okla. 1978). |
| (99) | (b)(1), *in camera* inspection, equitable discretion | *Bell* v. *United States Department of Defense*, 71 F.R.D. 349 (D.N.H. 1976), *aff'd*, 563 F.2d 484 (1st Cir. 1977). |
| (100) | (b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D) | *Bellingham Frozen Foods* v. *Henderson*, 91 L.R.R.M. 2761 (W.D. Wash. 1976). |
| (101) | (b)(1), (b)(3), 50 U.S.C. § 403, (b)(5) | *Bennett* v. *United States Department of Defense*, 419 F. Supp. 663 (S.D.N.Y. 1976). |
| (102) | (b)(2), (b)(4), (b)(5) | *Benson* v. *General Services Administration*, 289 F. Supp. 590 (W.D. Wash. 1968), *aff'd*, 415 F.2d 878 (9th Cir. 1969). |
| (103) | (b)(7) | *Benson* v. *United States*, 309 F. Supp. 1144 (D. Neb. 1970). |
| (104) | (b)(2) | *Bernknopf* v. *Califanc*, 466 F. Supp. 319 (W.D. Pa. 1979). |
| (105) | Reverse FOIA case, case or controversy, equitable discretion | *Bethlehem Steel Corp.* v. *Kreps*, No. Y-78-837 (D. Md. 1980). |
| (106) | (b)(7), executive privilege, *in camera* inspection | *Black* v. *Sheraton Corp. of America*, 371 F. Supp. 97 (D.D.C. 1974), *rev'd*, 564 F.2d 531 (D.C. Cir. 1977). |
| (107) | (b)(1) | *Blaisdell* v. *Department of Defense*, No. CV 77-83-DWW (C.D. Cal. 1977). |
| (108) | Privacy Act | *Blevins* v. *Plummer*, ____ F.2d ____ (9th Cir. 1980) (No. 77-2163). |
| (109) | (a)(4)(E), (b)(5), agency, agency records, attorneys fees | *Blue* v. *Bureau of Prisons*, No. C-75-2092A (N.D. Ga. 1976), *rev'd*, 570 F.2d 529 (5th Cir. 1978). |

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|---|---|---|
| (110) | (b)(4), (b)(6) similar files | *Board of Trade of the City of Chicago v. Commodity Futures Trading Commission*, No. 77-0560 (D.D.C. 1977), *aff'd in part and rev'd in part*, ____ F.2d ____ (D.C. Cir. 1980) (No. 78-1089). |
| (111) | (b)(5), FOIA as a discovery tool, *Vaughn* index | *Bodner* v. *F.T.C.*, 74-2 Trade Cas. (CCH) ¶ 75,329 (D.D.C. 1974), *Vaughn index required*, 75-2 Trade Cas. (CCH) ¶ 60,118 (D.D.C. 1975), No. 74-1189 (D.D.C. 1975). |
| (112) | (b)(7) | *Boston University* v. *NLRB*, 95 L.R.R.M. 2447 (D. Mass. 1977). |
| (113) | *Vaughn* index | *Boult* v. *Department of Justice*, No. C-76-1217A (N.D. Ga. 1976). |
| (114) | (b)(2), (b)(5), (b)(7)(C), (b)(7)(D) | *Boyce* v. *Deputy Director*, No. 78-84 (D.D.C. 1979). |
| (115) | (b)(3), 44 U.S.C § 2101, 2107, 2108 | *Brandon* v. *Sampson*, No. 73-2232 (D.D.C 1974), *rev'd and remanded sub nom.*, *Brandon* v. *Eckard*, 569 F.2d 683 (D.C. Cir. 1977). |
| (116) | Exhaustion of administrative remedies, failure to meet time limits | *Brawer* v. *F.B.I*, No. 75-1700 (D.D.C. 1977). |
| (117) | (b)(3) | *Breuhaus* v. *I.R.S.*, Civ.-78-240 (W.D. N.Y. 1979). |
| (118) | (a)(6)(A), (b)(1), (b)(5), exhaustion of administrative remedies, reasonably segregable, waiver of exemption (administrative release) | *Brinton* v. *United States Department of State*, No. 78-0112 (D.D.C. 1978), *summary judgment*, 476 F. Supp. 535 (D.D.C. 1979). |
| (119) | (b)(4), (b)(5), (b)(7) | *Bristol-Meyers Co.* v. *F.T.C*, 284 F. Supp. 745 (D.D.C. 1968), *aff'd in part, rev'd and remanded in part*, 424 F.2d 935 (D.C. Cir. 1970), *cert*. *denied*, 400 U.S. 824 (1970). |
| (120) | (a)(2), (a)(2)(A), (a)(2)(B), (b)(5), (b)(7)(A) | *Bristol-Meyers Co.* v. *F.T.C*, 598 F.2d 18 (D.C. Cir. 1978). |
| (121) | (b)(7)(A), fees (search and duplication), *Vaughn* index | *Britt* v. *I.R.S.*, No. 77-1325 (D.D.C. 1978), *additional issue*, (D.D.C. 1979). |
| (122) | 18 U.S.C. § 1905, Nexus test (12 U.S.C § 1437) | *Broadview Savings & Loan* v. *Federal Home Loan Bank Board*, No. C77-1195 (N.D. Ohio 1979) (decision *vacated* 1979 and remanded to agency for further adm. review in accord. with *Chrysler*). |
| (123) | (b)(5) | *Brock* v. *Campbell*, No. H-79-237 (S.D. Tex. 1979). |

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| (124) | (b)(4), (b)(5) | Brockway v. Department of the Air Force, 370 F. Supp. 738 (N.D. Iowa 1974), rev'd, 518 F.2d 1184 (8th Cir. 1975). |
| (125) | (a)(3), exhaustion of administrative remedies | Brooks v. Department of Treasury, No. 78-825 C (E.D. Mo. 1978). |
| (126) | Reverse FOIA case, nexus test | Brookwood Medical Center, Inc. v. Califano, 470 F. Supp. 1247 (N.D. Ga. 1979), aff'd, ___ F.2d ___ (5th Cir. 1980) (No. 79-2476). |
| (127) | (b)(4), (b)(5) | Brown v. Department of Energy, No. C-76-275 (E.D. Wash. 1980). |
| (128) | Privacy Act | Bruce v. United States, ___ F.2d ___ (8th Cir. 1980) (No. 79-1369). |
| (129) | Adequacy of request | Brunwasser v. Jacob, 453 F. Supp. 567 (W.D. Pa. 1978). |
| (130) | (b)(7)(A) | Bryant v. I.R.S., No. 76-31-SD (D. Me. 1976). |
| (131) | (b)(5), (b)(7)(A), attorney work-product | Buffalo Newspaper Guild v. NLRB, Civ-78-639 (W.D.N.Y. 1980). |
| (132) | (a)(4)(E), attorneys fees | Burke v. Department of Justice, 432 F. Supp. 251 (D. Kan. 1976), aff'd, 559 F.2d 1182 (10th Cir. 1977). |
| (133) | Venue, 28 U.S.C. § 1404(a) | Burkhart v. F.B.I, No. 77-3246 (D. Kan. 1978). |
| (134) | (a)(4)(B) | Burrell v. Rodgers, 438 F. Supp. 25 (W.D. Okla. 1977). |
| (135) | Reverse FOIA case, (b)(3), 18 U.S.C. § 1905, (b)(4) | Burroughs Corp. v. Brown, No. 78-520-A (E.D. Va. 1980). |
| (136) | Reverse FOIA case, (b)(3), 18 U.S.C. § 1905 | Burroughs Corp. v. Schlesinger, 403 F. Supp. 633 (E.D. Va. 1975). |
| (137) | Exhaustion of administrative remedies | Butler v. I.R.S., No. C78-1582A (N.D. Ga. 1979). |
| (138) | (b)(2), (b)(5), (b)(6) | Campbell v. United States Civil Service Commission, No. 75-M-494 (D. Colo. 1975), aff'd, 539 F.2d 58 (10th Cir. 1976). |
| (139) | (b)(7)(A), injunction of agency proceeding pending resolution of FOIA claim | Capital Cities Communication, Inc. v. NLRB, 409 F. Supp. 971 (N.D. Cal. 1976). |
| (140) | (b)(7)(A), (b)(7)(C) | Capital Times Co. v. NLRB, 483 F. Supp 247 (E.D. Wis. 1980). |

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| (141) | (a)(2)(C), (b)(2), (b)(7), equitable discretion | Caplan v. Bureau of Alcohol, Tobacco & Firearms, 445 F. Supp. 699 (S.D. N.Y. 1978), aff'd on other grounds, 587 F.2d 544 (2d Cir. 1978). |
| (142) | (b)(1), (b)(4), (b)(5), Executive Order 12065, promise of confidentiality | Carlisle Tire & Rubber Co. v. U.S. Customs Service, Nos. 78-2001, 78-2002 & 79-0224 (D.D.C. 1979). |
| (143) | (b)(1), (b)(2), (b)(3), (b)(7)(C), (b)(7)(D) | Carroll v. Department of Justice, No. 76-2038 (D.D.C. 1978). |
| (144) | Exhaustion of administrative remedies, fees (search and duplication), failure to meet time limits | Carroll v. Department of Justice, No. 76-2833 (D.D.C. 1977). |
| (145) | Attorneys fees | Carson v. Department of Justice, No. B-79-93 (D. Conn. 1979). |
| (146) | Fees (search and duplication) | Carson v. U.S. Department of Justice, Nos. 78-2431 & 79-0233 (D.D.C. 1979). |
| (147) | (b)(7)(A), (b)(7)(C) | Carson v. U.S. Department of Justice, No. 79-0140 (D.D.C. 1979). |
| (148) | Discovery in FOIA, (b)(5) | Caspe v. United States, 1 Gov't. Disclosure (P-H) ¶ 80,048 (S.D. Iowa 1980). |
| (149) | Privacy Act | Castle v. U.S. Civil Service Commission, No. 77-1544 (D.D.C. 1979). |
| (150) | Reverse FOIA case, nexus test | Cedars Nursing & Convalescent Center, Inc. v. Aetna Life Insurance, 472 F. Supp 296 (E.D. Pa. 1979). |
| (151) | Reverse FOIA case | Cell Associates v. Nat'l Institutes, etc., 579 F.2d 1155 (9th Cir. 1978). |
| (152) | (b)(1), (b)(7)(C), (b)(7)(D) | Cellini v. F.B.I., No. 77-1933 (D.D.C. 1979). |
| (153) | (b)(6) | Celmins v. U.S. Department of Treasury, 457 F. Supp. 13 (D.D.C. 1977). |
| (154) | (b)(7) | Center for National Policy Review on Race & Urban Issues v. Richardson, No. 2177-71 (D.D.C. 1972), rev'd sub nom., Center for National Policy Review on Race & Urban Issues v. Weinberger, 502 F.2d 370 (D.C. Cir. 1974), dismissal of case aff'd sub nom., Center for National Policy Review on Race & Urban Issues v. Richardson, 534 F.2d 351 (D.C. Cir. 1976). |
| (155) | (b)(1), in camera inspection, tardy classification | Cervase v. Department of State, No. 76-2338 (D.N.J. 1977). |

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| (156) | (b)(1), (b)(2), (b)(3), 50 U.S.C. § 403, (b)(6), duty to search, *in camera* inspection | *Cerveny* v. *Central Intelligence Agency*, 445 F. Supp. 772 (D. Colo. 1978). |
| (157) | (b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D) | *Cessna Aircraft Co.* v. *NLRB*, 405 F. Supp. 1042 (D. Kan. 1975), *rev'd*, 542 F.2d 834 (10th Cir. 1976). |
| (158) | *Vaughn* index | *Chamber of Commerce* v. *Office of Management and Budget*, No. 80-1384 (D.D.C. 1980). |
| (159) | (b)(3), 42 U.S.C. § 2000, FOIA as a discovery tool | *Chamber of Commerce of the United States* v. *Legal Aid Society*, 423 U.S. 1309 (Douglas, Circuit Justice, 1975). |
| (160) | (a)(4)(E), (b)(3), I.R.C. § 6103, 7213, (b)(5), (b)(6) | *Chamberlain* v. *Alexander*, 419 F. Supp. 235 (S.D. Ala. 1976), *modified sub nom.*, *Chamberlain* v. *Kurtz*, 589 F.2d 827 (5th Cir. 1979), *cert. denied*, 100 S.Ct. 82 (1979). |
| (161) | Privacy Act | *Chambers* v. *Klein*, 419 F. Supp 569 (D.N.J. 1976), *aff'd*, 564 F.2d 89 (3rd Cir. 1971). |
| (162) | (b)(6) | *Chappell* v. *Hodgson*, No. 15,480 (D. Conn. 1973). |
| (163) | Reverse FOIA case, (b)(4), 18 U.S.C. § 1905 | *Charles River Park "A", Inc.* v. *H.U.D*, 360 F. Supp. 212 (D.D.C. 1973), *remanded*, 519 F.2d 935 (D.C. Cir. 1975). |
| (164) | (b)(3), 42 U.S.C. § 2000e, (b)(7)(A) | *Charlotte-Mecklenburg Hospital Authority* v. *Perry*, 571 F.2d 195 (4th Cir. 1978). |
| (165) | (b)(7)(A), injunction of agency proceeding pending resolution of FOIA claim | *Chassen Bakers, Inc.* v. *NLRB*, 91 L.R.R.M. 2345 (M.D. Pa. 1975). |
| (166) | (b)(7) | *Chavkin* v. *Alexander*, 401 F. Supp. 817 (S.D.N.Y. 1975). |
| (167) | Reverse FOIA case, discretionary release | *Chevron Chemical Co.* v. *Costle*, 443 F. Supp. 1024 (N.D. Cal. 1978). |
| (168) | (b)(5), (b)(7)(A) | *Chilivis* v. *Securities and Exchange Commission*, No. C79-457A (N.D. Ga. 1979). |
| (169) | (b)(5) | *Chocolate Mfg. Association* v. *Federal Trade Commission*, No. 78-1240 (D.D.C. 1978). |
| (170) | Attorneys fees | *Chrysler* v. *Department of Treasury*, 1 Gov't. Disclosure (P-H) ¶ 80,110 (D.D.C. 1980). |
| (171) | (b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D) | *Chrysler Corp.* v. *NLRB*, 92 L.R.R.M. 3191 (E.D. Mich. 1976). |

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| (172) | Reverse FOIA case, (b)(3), (b)(4), 18 U.S.C. § 1905, 44 U.S.C. § 3504, discreationary release | *Chrysler Corp.* v. *Schlesinger*, 412 F. Supp. 171 (D. Del. 1976), *vacated*, 565 F.2d 1172 (3rd Cir. 1977), *cert. granted sub nom.*, *Chrysler Corp.* v. *Brown* 435 U.S. 914 (1978), *rev'd*, 441 U.S. 281 (1979), *remanded to dist. ct.*, 611 F.2d 439 (3rd Cir. 1979). |
| (173) | (b)(2), (b)(5), (b)(6), (b)(7)(A), (b)(7)(C), *Vaughn* index | *Church of Scientology of Cal.* v. *Bell*, No. 76-1006 (D.D.C. 1977), *summary judgment*, (D.D.C. 1980). |
| (174) | (b)(1), (b)(3), 50 U.S.C. § 403(d), adequacy of agency affidavit | *Church of Scientology of California* v. *Bush*, No. 75-1048 (D.D.C. 1977) *amended*, (1977), *amended sub nom.*, *Church of Scientology of Cal.* v. *Turner* (D.D.C. 1979). |
| (175) | (a)(6)(B), (b)(1), (b)(7)(C), agency records | *Church of Scientology of California* v. *Department of the Air Force*, No. 76-1008 (D.D.C. 1978). |
| (176) | (b)(1), (b)(6), (b)(7)(C), (b)(7)(D), *in camera* inspection | *Church of Scientology of California* v. *Department of Defense*, No. 75-4072F (C.D. Cal. 1977). |
| (177) | Agency records | *Church of Scientology of California, Inc.* v. *E.R.D.A*, No. 76-0011 (C.D. Cal. 1976). |
| (178) | Agency records, (b)(5) | *Church of Scientology of California* v. *Simon*, 433 F. Supp. 1107 (D.D.C. 1977). |
| (179) | (b)(1), (b)(6), (b)(7), adequacy of agency affidavit, burden of proof, *in camera* inspection, reasonably segregable | *Church of Scientology of Cal.* v. *U.S. Department of Army*, 607 F.2d 1282 (9th Cir. 1979), *reh. denied*, 611 F.2d 738 (9th Cir. 1980). |
| (180) | (b)(1), (b)(2), (b)(5), (b)(7)(A), (b)(7)(D), (b)(7)(F) | *Church of Scientology of California* v. *United States Department of Justice*, 410 F. Supp. 1297 (C.D. Cal. 1976). |
| (181) | (b)(7)(D) | *Church of Scientology of Cal.* V. *U.S. Department of Justice*, 612 F.2d 417 (9th Cir. 1979). |
| (182) | (b)(3) | *Church of Scientology of Cal.* v. *United States Postal Service*, 593 F.2d 902 (9th Cir. 1979). |
| (183) | (b)(5), (b)(6), (b)(7)(C), (b)(7)(D), attorney-client, attorneys fees, attorney work-product, res judicata | *Church of Scientology* v. *Califano*, No. 76-1005 (D.D.C. 1978 & 1979). |
| (184) | (b)(1), (b)(7)(A), (b)(7)(C), (b)(7)(D), *in camera* inspection | *Church of Scientology* v. *Federal Bureau of Investigation*, Civ. Lv-78-244 HEC (D. Nev. 1979). |

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| (185) | Privacy Act | *Churchwell* v. *United States*, 545 F.2d 59 (8th Cir. 1976). |
| (186) | Agency, agency records | *Ciba-Geigy Corp.* v. *Mathews*, 428 F. Supp. 523 (S.D.N.Y. 1977). |
| (187) | Agency | *Ciccone* v. *Waterfront Commission of New York Harbor*, 438 F. Supp. 55 (S.D. N.Y. 1977). |
| (188) | (b)(3), 15 U.S.C. § 176, (b)(4) | *Citizens for a Better Environment* v. *United States Department of Commerce*, 410 F. Supp. 1248 (N.D. Ill. 1976). |
| (189) | *In camera* inspection | *Citizens Bureau of Investigation* v. *F.B.I.*, No. C78-80 (N.D. Ohio 1979). |
| (190) | (a)(1), (a)(2), (b)(2), (b)(5) | *City of Concord* v. *Ambrose*, 333 F. Supp. 958 (N.D. Cal. 1971). |
| (191) | (a)(1) | *City of Santa Clara, Cal.* v. *Kleepe*, 418 F. Supp. 1243 (N.D. Cal. 1976), *motion to reconsider*, 428 F. Supp. 315 (N.D. Cal. 1976), *aff'd in part, rev'd in part, sub nom.*, *City of Santa Clara* v. *Andrus*, 572 F.2d 660 (9th Cir. 1978), *cert. denied*, 439 U.S. 859 (1980). |
| (192) | Exceptional circumstances, failure to meet time limits | *Cleaver* v. *Kelley*, 415 F. Supp. 174 (D.D.C. 1976), *vacated and remanded per curiam*, No. 76-1831 (D.C. Cir. 1976), *on remand*, 427 F. Supp. 80 (D.D.C. 1976). |
| (193) | (b)(7) | *Clement Brothers Co.* v. *NLRB*, 282 F. Supp. 540 (N.D. Ga. 1968), *aff'd*, 407 F.2d 1027 (5th Cir. 1969). |
| (194) | Reverse FOIA case, (b)(7)(A) | *Clements Wire & Mfg. Co., Inc.* v. *NLRB* 589 F.2d 894 (5th Cir. 1979). |
| (195) | (b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D), FOIA as a discovery tool | *Climax Molybdenum Co.* v. *NLRB*, 407 F. Supp. 208 (D. Colo. 1975), *aff'd*, 539 F.2d 63 (10th Cir. 1976). |
| (196) | Duty to search, *in camera* inspection, *Vaughn* index | *Coastal States Gas Corp.* v. *Department of Energy*, No. 79-197 (D. Del. 1980). |
| (197) | *Vaughn* index | *Coastal Corp.* v. *Department of Energy*, No. 80-8 (D.D.C. 1980). |
| (198) | Stay pending appeal | *Coastal States Gas Corp.* v. *Department of Energy*, 609 F.2d 736 (5th Cir. 1979). |
| (199) | (b)(5), (b)(7)(A), adequacy of agency affidavit, attorney-client privilege, attorney work-product privilege, burden of proof, *Vaughn* index | *Coastal States Gas Corp.* v. *Department of Energy*, No. 76-1173 (D.D.C. 1979), *aff'd*, 617 F.2d 854 (D.C. Cir. 1980). |

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| (200) | (b)(3), (b)(4), (b)(5), (b)(7) | Cogswell v. F.D.A., No. 51990-ACW (N.D. Cal. 1970). |
| (201) | (b)(7) | Collins v. Federal Highway Administration, No. 6486 (E.D. Va. 1968). |
| (202) | (b)(6) | Columbia Packing Company, Inc. v. United States Department of Agriculture, 417 F. Supp. 651 (D. Mass. 1976), aff'd, 563 F.2d 495 (1st Cir. 1977). |
| (203) | (b)(5) | Comey v. A.E.C., Nos. 73-1258, 73-1358 (7th Cir. 1973). |
| (204) | Attorneys fees, fees waiver | Comint Corp. v. U.S. Department of Justice, ___ F. Supp. ___ (D.D.C. 1978) (No. 77-1725), motion to reopen, (D.D.C. 1979). |
| (205) | Jurisdiction | Commercial Envelope Mfg. Co., Inc. v. S.E.C., 450 F.2d 342 (2d Cir. 1971). |
| (206) | (b)(7) | Committee to Investigate Assassinations, Inc. v. Department of Justice, No. 3651-70 (D.C. Cir. 1973). |
| (207) | (a)(4)(D), (b)(5), (b)(6), (b)(7)(A), (b)(7)(C), burden of proof, venue | Committee on Masonic Homes v. NLRB, 414 F. Supp. 426 (E.D. Pa. 1976), vacated and remanded for clarification, 556 F.2d 214 (3d Cir. 1977), order vacated, No. 76-851 (E.D. Pa. 1978). |
| (208) | (b)(5), attorney-client privilege, fees waiver | Common Cause v. I.R.S., 1 Gov't. Disclosure (P-H) ¶ 79,188 (D.D.C. 1979). |
| (209) | (b)(7)(C) | Common Cause v. Ruff, 467 F. Supp. 941 (D.D.C. 1979), vacated sub nom., Common Cause v. National Archives, ___ F.2d ___ (D.C. Cir. 1980) (79-1637). |
| (210) | Sunshine Act | Communications Systems, Inc. v. F.C.C., 595 F.2d 797 (D.C. Cir. 1978). |
| (211) | (a)(4)(E), mootness, exceptional circumstance/due diligence | Communist Party of the U.S. v. U.S. Department of Justice, No. 75-1770 (D.D.C. 1976). |
| (212) | Attorneys fees | Communist Party of the United States v. Department of Justice, No. 76-1746 (D.C. Cir. 1977). |
| (213) | (b)(4), burden of proof, promise of confidentiality | Comstock Intern v. Export-Import Bank of U.S., 464 F. Supp. 804 (D.D.C. 1979). |
| (214) | (b)(6), (b)(7), (b)(7)(C) | Congressional News Syndicate v. United States Department of Justice, 438 F. Supp. 538 (D.D.C. 1977). |
| (215) | (b)(5), exhaustion of administrative remedies | Conservation Foundation, Inc. v. Department of Interior, No. 718-72 (D.D.C. 1972). |

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| (216) | Sunshine Act | Consolidated Aluminum Corp. v. T.V.A., 462 F. Supp. 464 (M.D. Tenn. 1978). |
| (217) | (b)(4) | Consumers Union v. Board of Governors of the Federal Reserve System, No. 1766-73 (D.D.C. 1974). |
| (218) | (a)(4)(E) attorneys fees | Consumers Union of the United States v. Board of Governors of the Federal Reserve System, 410 F. Supp. 63 (D.D.C. 1976). |
| (219) | Reverse FOIA case, case or controversy, venue | Consumers Union of U.S. v. Consumer Product Safety Commission, 400 F. Supp. 848 (D.D.C. 1975), rev'd and remanded, 561 F.2d 349 (D.C. Cir. 1977), vacated and remanded sub nom., GTE Sylvania, Inc. v. Consumers Union of U.S., 434 U.S. 1030 (D.C. Cir. 1978), earlier judgment aff'd, 590 F.2d 1209, rev'd, 48 U.S.L.W. 4293 (1980). |
| (220) | (b)(8) | Consumers Union of U.S., Inc. v. Heimann, 589 F.2d 531 (D.C. Cir. 1978). |
| (221) | Declaratory relief | Consumers Union v. Interstate Commerce Commission, 1975 Fed. Carr. Cas. (CCH) ¶ 82,528 (D.D.C. 1974). |
| (222) | (b)(4), (b)(7), declaratory relief | Consumers Union v. Saxbe, 1974 Trade Cas. (CCH) ¶ 75,057 (D.D.C. 1974). |
| (223) | (b)(2), (b)(4), (b)(5) | Consumers Union v. Veterans Administration, 301 F. Supp. 796 (S.D.N.Y. 1979), dismissed as moot, 436 F.2d 1363 (2d Cir. 1971) |
| (224) | Reverse FOIA case, (b)(4) | Continental Oil Co. v. F.P.C., 519 F.2d 31 (5th Cir. 1975), cert. denied sub nom., Superior Oil v. FPC, 425 U.S. 971 (1976). |
| (225) | Reverse FOIA case, (b)(4), discretionary release | Continental Stock Transfer and Trust Company v. S.E.C., 566 F.2d 373 (2d Cir. 1977). |
| (226) | (b)(2), (b)(5), (b)(7) | Control Data Corp. v. F.T.C., No. 4-74-Civ. -25 (D. Minn. 1974). |
| (227) | (b)(5), (b)(7)(A), (b)(7)(D), in camera inspection | Control Data Corp. v. F.T.C., No. 4-74-Civ. -412 (D. Minn. 1975). |
| (228) | (b)(3), I.R.C. § 6103, 6110, (b)(5), reasonably segregable | Conway v. Internal Revenue Service, 447 F. Supp. 1128 (D.D.C. 1978). |
| (229) | Agency records (judicial branch records not agency records) | Cook v. Willingham, 400 F.2d 885 (10th Cir. 1968). |
| (230) | (b)(7) | Cooney v. Sun Shipbuilding & Drydock Co., 288 F. Supp. 708 (E.D. Pa. 1968). |

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| (231) | (b)(5), waiver of exemption (administrative release) | Cooper v. Department of Navy of United States, 396 F. Supp. 1040 (M.D. La. 1975), aff'd in part and rev'd in part, 558 F.2d 274 (5th Cir. 1977), modified in part 594 F.2d 484 (5th Cir. 1979), cert. denied, 100 S.Ct. 266 (1979). |
| (232) | (b)(3), I.R.C. § 6103 | Cooper v. I.R.S., 450 F. Supp. 752 (D.D.C. 1977). |
| (233) | (a)(4)(E), (b)(2), (b)(5), (b)(7)(C), (b)(7)(D), (b)(7)(F), attorneys fees, burden of proof, FOIA as a discovery tool, promise of confidentiality | Cowans v. Federal Bureau of Investigation, No. CV 77-84-WMB (C.D. Cal. 1979). |
| (234) | (b)(7) | Cowles Communications, Inc. v. Department of Justice, 325 F. Supp. 726 (N.D. Cal. 1971). |
| (235) | (a)(2)(C), (b)(1), (b)(2), (b)(7) | Cox v. Levi, 427 F. Supp. 833 (W.D. Mo. 1977), aff'd, 592 F.2d 460 (8th Cir. 1979). |
| (236) | (a)(2)(C), (b)(2), (b)(7), reasonably segregable | Cox v. United States Department of Justice, No. 76-CV-470-W-3 (W.D. Mo. 1977), aff'd in part and remanded, 576 F.2d 1302 (8th Cir. 1978). |
| (237) | (b)(2), attorney fees | Cox v. U.S. Department of Justice, 601 F.2d 1 (D.C. Cir. 1979). |
| (238) | 28 U.S.C. § 1404(a) | Cox v. Department of Justice, No. 77-0104-CV-W-1 (W.D. Mo. 1978). |
| (239) | (b)(2), (b)(7)(C), (b)(7)(D), (b)(7)(F), failure to meet time limits | Cox v. United States Department of Justice No. 76-CV-777-W-4 (W.D. Mo. 1977). |
| (240) | Agency records | Cox v. United States Department of Justice No. 77-0299-CV-W-3 (W.D. Mo. 1977). |
| (241) | (b)(1), (b)(2) | Cox v. Department of Justice, No. 76-CV-604-W-4 (W.D. Mo. 1977). |
| (242) | (b)(2), (b)(7)(A), (b)(7)(E) | Cox v. U.S. Department of Justice, No. 78-1944 (D.D.C. 1979). |
| (243) | Privacy Act | Crisafi v. Bell, 1 Gov't. Disclosure (P-H) ¶ 79,187 (M.D. Pa. 1979). |
| (244) | (b)(5), agency | Crooker v. Office of the Pardon Attorney, 614 F.2d 825 (2d Cir. 1980). |

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| (245) | Reverse FOIA case (b)(3), 42 U.S.C. § 2000e-8e, 18 U.S.C. § 1905, 44 U.S.C. § 3508 | Crown Central Petroleum Corp. v. Kleppe, 424 F. Supp. 744 (D. Md. 1976). |
| (246) | (a)(4)(E), (b)(5), (b)(7), attorneys fees | Cuneo v. Laird 338 F. Supp. 504 (D.D.C. 1972), rev'd and remanded in part sub nom., Cuneo v. Schlesinger, 484 F.2d 1086 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974), atty fees denied, No. 67-1826 (D.D.C. 1975), rev'd sub nom. Cuneo v. Rumsfeld, 553 F.2d 1360 (D.C. Cir. 1977), attys fees denied, No. 67-1826 (D.D.C. 1978), aff'd sub nom. Fenster v. Brown, ____ F.2d ____ (D.C. Cir. 1979). |
| (247) | Exhaustion of administrative remedies | Cupp v. Levi, 75-2 U.S.T.C. ¶ 9670 (W.D. Pa. 1975). |
| (248) | (b)(7) | Cuneo v. NLRB, CIV-1-78-37 (E.D. Tenn. 1978). |
| (249) | (b)(3), 49 U.S.C. § 1504, (b)(4) | Cutler v. C.A.B., 375 F. Supp. 722 (D.D.C. 1974). |
| (250) | (b)(5), (b)(6), (b)(7)(A), (b)(7)(C), (b)(7)(D), attorneys fees | Dadco Fashions, Inc. v. NLRB, No. 78-0109 (W.D. La. 1978). |
| (251) | (b)(3), 15 U.S.C. § 57, (b)(5), (b)(7)(A) | Dairymen, Inc. v. F.T.C., No. 79-2977 (D.D.C. 1980). |
| (252) | Exhaustion of administrative remedies | Daniels v. F.C.C., No. 77-501 (D.S.D. 1978). |
| (253) | (a)(2), (b)(5) | David B. Lilly Co., Inc. v. Renegotiation Board, 521 F.2d 315 (D.C. Cir. 1975). |
| (254) | (b)(1), (b)(7)(C), (b)(7)(D), (b)(7)(E), adequacy of agency affidavits | De Antonio v. Webster, No. 75-1071 (D.D.C. 1980). |
| (255) | (a)(1)(D), publication | Dean v. Butz, 428 F. Supp. 477 (D. Hawaii 1977). |
| (256) | (b)(5) | Dean Witter & Company v. E.E.O.C., No. 77-0399 (D.D.C. 1977). |
| (257) | (b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D) | Deering Milliken, Inc. v. Nash, No. 75-864 (D.S.C. 1975), rev'd in part and remanded sub nom., Deering Milliken, Inc. v. Irving, 548 F.2d 1131 (4th Cir. 1977). |

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| (258) | (b)(1), (b)(3), 50 U.S.C. § 403 | *Demetracopoulos* v. *Dept. of State*, 1 Gov't. Disclosure (P-H) ¶ 80,012 (D.D.C. 1980). |
| (259) | Discovery in FOIA, exhaustion of Administrative remedies, *Vaughn* index | *Diamond* v. *Federal Bureau of Investigation*, 487 F. Supp. 774 (S.D.N.Y. 1979). |
| (260) | Fees (search and duplication) | *Diapulse Corp.* v. *F.D.A.*, 500 F.2d 75 (2d Cir. 1974). |
| (261) | (b)(5) | *Dick* v. *I.R.S.*, No. 78 C 1483 (N.D. Ill. 1979). |
| (262) | (b)(5) | *Dick* v. *I.R.S.*, No. 77-0492 (D.D.C. 1978). |
| (263) | Burden of proof, duty to search | *DiModica* v. *F.B.I.* No. C-75 2480A (N.D. Ga. 1977). |
| (264) | Agency records, attorneys fees, duty to create a record | *Disabled Officer's Association* v. *Rumsfeld*, 428 F. Supp. 454 (D.D.C. 1977), *aff'd*, No. 77-1504 (D.C. Cir. 1978), attys fees (D.D.C. 1979). |
| (265) | FOIA as discovery tool | *Disability Rights Center* v. *Department of Justice*, No. 78-1194 (D.D.C. 1978). |
| (266) | (b)(5), (b)(7), FOIA as a discovery tool | *Distillery, Rectifying, Wine and Allied Workers* v. *Miller*, 68 Lab. Cas. (CCH) ¶ 12,750 (W.D. Ky. 1972). |
| (267) | (b)(4), (b)(6) | *Ditlow* v. *Shultz*, 379 F. Supp. 326 (D.D.C. 1974), *decision deferred*, 517 F.2d 166 (D.C. Cir. 1975). |
| (268) | (b)(3), 15 U.S.C. § 1401, (b)(4), (b)(5), (b)(7) | *Ditlow* v. *Volpe*, 362 F. Supp. 1321 (D.D.C. 1973), *rev'd sub nom.*, *Ditlow* v. *Brinegar*, 494 F.2d 1073 (D.C. Cir. 1974), *cert. denied* in 419 U.S. 974 (1974). |
| (269) | (b)(7)(C) | *Dixon* v. *I.R.S.*, No. 78-254-N (D. Ala. 1979). |
| (270) | (b)(1), records | *DiViaio* v. *Kelley*, 571 F.2d 538 (10th Cir. 1978). |
| (271) | Exhaustion of Administrative remedies | *Dizon* v. *S.E.C.*, 1 Gov't. Disclosure (P-H) ¶ 80,006 (D.D.C. 1980). |
| (272) | Reverse FOIA case, (b)(4), 18 U.S.C. § 1905 | *Doctors Hospital of Sarasota, Inc.* v. *Califano*, 455 F. Supp. 476 (M.D. Fla. 1978). |
| (273) | Privacy Act | *Doe* v. *United States Civil Serv. Com'n.*, 483 F. Supp. 539 (S.D.N.Y. 1980). |
| (274) | (b)(5), (b)(6), (b)(7)(A) | *Donn Products, Inc.* v. *NLRB*, 93 L.R.R.M. 2065 (N.D. Ohio 1976). |
| (275) | Case or controversy | *Donn Products, Inc.* v. *NLRB*, Nos. 76-2542; 2543 (6th Cir. 1978). |

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| (276) | Privacy Act, (b)(1), (b)(5) agency records, reasonably segregable | *Dorl* v. *Levi*, No. 75-2077 (D.N.J. 1977). |
| (277) | Equitable discretion | *Doyle* v. *U.S. Department of Justice*, No. 79-2723 (D.D.C. 1980). |
| (278) | Privacy Act, promise of confidentiality, exhaustion of administrative remedies | *Dresser Industries, Inc.* v. *United States*, 596 F.2d 1231 (5th Cir. 1979), *cert. denied*, 100 S.Ct. 731 (1980). |
| (279) | (b)(3), summary judgement | *Dunayevskaya* v. *Nat'l. Security Agency*, No. 71947 (E.D. Mich. 1979). |
| (280) | (b)(6), FOIA as a discovery tool | *Duncan* v. *United States Civil Service Commission*, 426 F. Supp. 41 (E.D. La. 1976). |
| (281) | (b)(5) | *Dworman Bldg. Corp.* v. *G.S.A.*, 468 F. Supp. 389 (S.D.N.Y. 1979). |
| (282) | Duty to disclose newly-created records, library materials, withholding | *Eason* v. *Nuclear Regulatory Commission*, No. 79-0845 (D.D.C. 1980). |
| (283) | (a)(4)(E) | *East Tenn. Research Corp.* v. *Tennessee Valley Authority*, 416 F. Supp. 988 (D.D.C. 1976), *vacated*, 424 F. Supp. 1329 (D.D.C. 1976). |
| (284) | Jurisdiction | *Echols* v. *NLRB*, 525 F.2d 288 (6th Cir. 1975). |
| (285) | Attorneys fees | *Education-Instruction, Inc.* v. *H.U.D.*, No. 77-518-C (D. Mass. 1980). |
| (286) | (b)(5), (b)(7)(A), (b)(7)(B), discretionary release, waiver of exemption (administrative release) | *Education Instruccion, Inc.* v. *United States Dept. of H.U.D.*, 471 F. Supp. 1074 (D. Mass. 1979). |
| (287) | (b)(6) | *E. I. du Pont de Nemours and Co.* v. *Finklea*, 442 F. Supp. 821 (S.D. W.Va. 1977). |
| (288) | (b)(5), (b)(7)(A), *Vaughn* index | *Eisenberg* v. *I.R.S.*, Nos. 77 C 339 & 340 (N.D. Ill. 1978), *dismissed*, (N.D. Ill. 1979). |
| (289) | (b)(7)(A), (b)(7)(C), (b)(7)(D) | *E. L. Rice and Co.* v. *Nash*, 92 L.R.R.M. 3280 (E.D. Mich. 1976). |
| (290) | (a)(2)(B), (b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(E) | *Electric Memories and Magnetic Corp.* v. *United States*, 431 F. Supp. 356 (C.D. Cal. 1977). |

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| (291) | (b)(5), (b)(7)(A), injunction of agency proceedings pending resolution of FOIA claim | Electri-Flex Co. v. NLRB, 412 F. Supp. 698 (N.D. Ill. 1976). |
| (292) | 18 U.S.C. § 1905, 44 U.S.C. § 3508 | Emerson Electric Co. v. Schlesinger, ___ F.2d ___ (8th Cir. 1979), (Nos. 79-1158 & 1187). |
| (293) | Disciplinary proceeding | Emery v. Laise, 421 F. Supp. 91 (D.D.C. 1976), aff'd sub nom., Emery v. Reinhardt, No. 75-0381 (D.C. Cir. 1977). |
| (294) | Exhaustion of administrative remedies | Encyclopedia Britannica, Inc. v. F.T.C. 517 F.2d 1013 (7th Cir. 1975). |
| (295) | (b)(1) | Epstein v. Resor, 296 F. Supp. 214 (N.D. Cal. 1969), aff'd, 421 F.2d 930 (9th Cir. 1970), cert. denied, 398 U.S. 965 (1970). |
| (296) | (b)(1) | Equal Employment Opportunity Commission v. Los Alamos Constructors, Inc., 382 F. Supp. 1373 (D.N.M. 1974). |
| (297) | Duty to search | Eschelman v. Department of Defense, No. CV-76-2793-ALS (C.D. Cal. 1977). |
| (298) | (b)(7), exhaustion of administrative remedies | Etheridge v. I.R.S., 74-1 U.S.T.C. ¶ 9354 (N.D. Ga. 1974). |
| (299) | (b)(5), executive privilege | Ethyl Corp. v. E.P.A., 478 F.2d 47 (4th Cir. 1973). |
| (300) | Fees-waiver | Eudey v. Central Intelligence Agency, 478 F. Supp. 1175 (D.D.C. 1979). |
| (301) | (b)(3), 49 U.S.C. § 1504, (b)(7) | Evans v. Department of Transportation, 446 F.2d 821 (5th Cir. 1971), cert. denied, 405 U.S. 918 (1972). |
| (302) | 18 U.S.C. § 1905 | Exchange National Bank of Chicago v. Abramson, 295 F. Supp. 87 (D. Minn. 1969). |
| (303) | Privacy Act, (a)(4)(E), (b)(7), attorneys fees | Exner v. F.B.I., No. 76-89-S (S.D. Cal. 1976), remanded, 542 F.2d 1121 (9th Cir. 1976), decision on remand, (S.D. Cal. 1977), attys fees, 443 F. Supp. 1349 (S.D. Cal. 1978), aff'd, 612 F.2d 1202 (9th Cir. 1980). |
| (304) | (b)(5), (b)(7), records | Exxon Corp. v. F.T.C., 384 F. Supp. 755 (D.D.C. 1974), remanded memo., 527 F.2d 1386 (D.C. Cir. 1976), |
| (305) | (b)(5), (b)(7)(A), (b)(7)(D), adequacy of affidavit, attorney work-product, FOIA as a discovery tool, duty to search, interaction of (a)(2) and (b) | Exxon Corp. v. F.T.C., 466 F. Supp. 1088 (D.D.C. 1978), subsequent decision, 476 F. Supp. 713 (D.D.C. 1979). |

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| (306) | Fees (search and duplication), *Vaughn* index | *Fackleman* v. *Department of Justice*, No. C-75-2157A (N.D. Ga. 1976). |
| (307) | (b)(5), attorney work-product | *Falcone* v. *I.R.S.*, 479 F. Supp. 985 (E.D. Mich. 1979). |
| (308) | Jurisdiction | *Farrell* v. *Ignatius*, 283 F. Supp. 58 (S.D.N.Y. 1968). |
| (309) | (b)(7)(A), investigatory records | *Fedders* v. *F.T.C.*, No. 80 Civ. 0932 (S.D.N.Y. 1980). |
| (310) | (b)(3), 49 U.S.C. § 1421 | *Federal Aviation Administration Administrator* v. *Robertson*, 498 F.2d 1031 (D.C. Cir. 1974), *rev'd*, 422 U.S. 255 (1975). |
| (311) | (b)(7)(A), *Vaughn* index | *Federal Builders, Inc.* v. *Marshall*, No. 78-1263 (D.D.C. 1979). |
| (312) | Agency subpoenas, disclosure to congress, agency records | *F.T.C.* v. *Anderson*, 442 F. Supp. 1118 (D.D.C. 1977), *remanded*, ____ F.2d ____ (D.C. Cir. 1979), (No. 78-1032), *order on remand*, No. 77-161 (D.D.C. 1980). |
| (313) | Agency subpoenas, congressional sub., disclosures to congress, discretionary release | *F.T.C.* v. *Owens-Corning Fiberglass Corp.*, Misc. No. 78-313 (D.D.C. 1979), *aff'd in part and vacated in part*, ____ F.2d ____ (D.C. Cir. 1980). |
| (314) | Agency subpoenas | *F.T.C.* v. *Texaco, Inc.*, No. 1091-73 (D.D.C. 1974), *aff'd in part and rev'd in part*, 517 F.2d 137 (D.C. Cir. 1975), *reh. en banc*, 555 F.2d 862 (D.C. Cir. 1977) (enforcement granted), *cert. denied*, 431 U.S. 974 (1977). |
| (315) | (b)(6) | *Fendler* v. *Hawkins*, No. 78-623-PHX WPC (D. Ariz. 1979). |
| (316) | (b)(4), (b)(5) | *Fenster* v. *Fletcher*, No. 822-71 (D.D.C. 1971). |
| (317) | (b)(6), attorneys fees | *Fensterwald* v. *C.I.A.*, No. 75-282A (E.D. Va. 1975). |
| (318) | (b)(1), (b)(2), (b)(3), 50 U.S.C. § 403, (b)(5) | *Fensterwald* v. *C.I.A.*, No. 75-987 (D.D.C. 1978). |
| (319) | (b)(1), (b)(3) | *Fensterwald* v. *C.I.A.*, 443 F. Supp. 667 (D.D.C. 1977). |
| (320) | (b)(2), (b)(5), (b)(7)(C), (b)(7)(D), (b)(7)(E), *in camera* inspection, reasonably segregable | *Ferguson* v. *Kelley*, 448 F. Supp. 919 (N.D. Ill. 1977), *motion to reconsider*, 455 F. Supp. 324 (N.D. Ill. 1978). |

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| (321) | (b)(3), (b)(6), (b)(7)(C), agency records (judicial record not agency record) | Ferri v. Bell, No. 78-841 (M.D. Pa. 1979). |
| (322) | 28 U.S.C. § 1404, venue | Ferri v. United States Department of Justice, 441 F. Supp. 404 (M.D.Pa. 1977). |
| (323) | (b)(1), (b)(3), (b)(6) | Ferry v. Central Intelligence Agency, 458 F. Supp. 664 (S.D.N.Y. 1978). |
| (324) | Privacy Act | Field v. Brown, 610 F.2d 981 (D.C. Cir. 1979). |
| (325) | Privacy Act | Fiorentino v. United States, 607 F.2d 963 (Ct. Cl. 1979). |
| (326) | (a)(2), (a)(2)(C), (b)(2), (b)(4), (b)(5), (b)(7)(A), (b)(7)(E), Rule 34 | Firestone Tire and Rubber Co. v. Coleman, 432 F. Supp. 1359 (N.D. Ohio 1976). |
| (327) | No topics for index | First Commodity Corp. of Boston v. Commodity Futures Trading Com'n., No. 79-2281 (D.D.C. 1979). |
| (328) | (b)(4), (b)(5), (b)(8) | First Fed. S&L Ass'n., Etc. v. F.H.L.B., 426 F. Supp. 454 (W.D. Ark. 1977). |
| (329) | (b)(4), (b)(7), equitable discretion | First Girl, Inc. v. Department of Labor, No. 75-C-3133 (N.D. Ill. 1976). |
| (330) | (b)(4), (b)(5) | Fisher v. Renegotiation Board, 473 F.2d 109 (D.C. Cir. 1972), on remand 355 F. Supp. 1171 (D.D.C. 1973). |
| (331) | Fees (search and duplication) | Fitzgibbon v. C.I.A., No. 76-700 (D.D.C. 1977). |
| (332) | (a)(4)(E), (b)(1), attorneys fees | Florence v. United States Dept. of Defense, 415 F. Supp. 156 (D.D.C. 1976). |
| (333) | Reverse FOIA case, Privacy Act, (b)(3), 18 U.S.C. § 1905, 12 U.S.C. § 1306 | Florida Medical Ass'n. v. H.E.W., 454 F. Supp. 326 (M.D. Fla. 1978), vacated, 601 F.2d 199 (5th. Cir. 1979), dec. on remand, 479 F. Supp. 1291 (M.D. Fla. 1979). |
| (334) | (a)(4)(E), (b)(1), (b)(2), (b)(7)(C), (b)(7)(D), attorneys fees | Flower v. F.B.I., 448 F. Supp. 567 (W.D. Tex. 1978). |

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| (335) | (b)(1), (b)(2), (b)(3), 50 U.S.C. § 403, (b)(5), (b)(6), (b)(7)(F), adequacy of request, attorneys fees, attorney-work product, discovery in FOIA litigation, duty to search, *in camera* inspection | Fonda v. C.I.A., 434 F. Supp. 498 (D.D.C. 1977). |
| (336) | FACA | Food Chemical News v. Davis, 378 F. Supp. 1048 (D.D.C. 1974). |
| (337) | (a)(4)(E), attorneys fees | Ford v. Selective Service System, 439 F. Supp. 1262 (M.D. Pa. 1977). |
| (338) | (b)(6), (b)(7)(C), investigatory records | Forrester v. U.S. Dept. of Labor, 433 F. Supp. 987 (S.D.N.Y. 1977), aff'd, 591 F.2d 1330 (2d Cir. 1978). |
| (339) | Agency records | Forsham v. Mathews, No. 75-1608 (D.D.C. 1976), aff'd sub nom. Forsham v. Califano, 587 F.2d 1128 (D.C. Cir. 1978), aff'd sub nom., Forsham v. Harris, ____ U.S. ____ (1980). |
| (340) | fees-waiver | Fosberg v. U.S. Dept. of Justice, No. 78-797 (D. Or. 1979). |
| (341) | (b)(7)(A) | Fotomat Corp. v. NLRB, 573 F.2d 959 (6th Cir. 1978). |
| (342) | (b)(1), (b)(2), (b)(3), (b)(5), (b)(7)(C), (b)(7)(D), adequacy of agency affidavit referral of request to another agency | Founding Church of Scientology v. Levi, No. 75-1577 (D.D.C. 1978), rev'd sub nom., Founding Church of Scientology v. Bell, 603 F.2d 945 (D.C. Cir. 1979), decision on remand, No. 75-1577 (D.D.C. 1980). |
| (343) | (a)(4)(E), attorneys fees | Founding Church Scientology of Washington, D.C., Inc. v. Marshall, 439 F. Supp. 1267 (D.D.C. 1977). |
| (344) | (b)(2), (b)(7)(C), (b)(7)(D) | Founding Church of Scientology v. Miller, No. 75-1471 (D.D.C. 1980). |
| (345) | (b)(3), 50 U.S.C. § 402, duty to search, improper withholding, summary judgment, Vaughn index | Founding Church of Scientology v. Nat'l. Security Agency, 434 F. Supp. 632 (D.D.C. 1977), rev'd, 610 F.2d 824 (D.C. Cir. 1979), on remand, No. 76-1494 (D.D.C. 1980). |
| (346) | (b)(5), (b)(6), attorney-client privilege, attorney work-product, proper party defendant | Fox v. Harris, No. 79-1572 (D.D.C. 1980). |

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| (347) | (b)(1), (b)(3), 50 U.S.C. § 403, *in camera* inspection | *Frank* v. *C.I.A.*, No. 77-14-D (S.D. Iowa, 1977), *remanded*, No. 77-1844 (8th Cir. 1978). |
| (348) | Privacy Act, (b)(2), (b)(5), (b)(6), (b)(7)(C), (b)(7)(D) | *Frank* v. *U.S. Dept. of Justice*, 480 F. Supp. 596 (D.D.C. 1979). |
| (349) | (b)(4), (b)(5), (b)(7) | *Frankel* v. *S.E.C.*, 336 F. Supp. 675 (S.D.N.Y. 1971), *rev'd*, 460 F.2d 813 (2d Cir. 1972), *cert. denied*, 409 U.S. 889 (1972). |
| (350) | Privacy Act | *Fratus* v. *United States Attorney*, No. 78-833-CIV-WMH. |
| (351) | Discretionary release | *Freeman* v. *Seligson*, 405 F.2d 1326 (D.C. Cir. 1968). |
| (352) | (a)(2)(C), (b)(7)(A), (b)(7)(E) | *Friedman* v. *Dept. of Transportation*, No. C78-957A (N.D. Ga. 1978), *subsequent decision* (N.D. Ga. 1979). |
| (353) | Exhaustion of administrative remedies | *Friedman* v. *Federal Bureau of Investigation*, No. C78-309A (N.D. Ga. 1978). |
| (354) | (a)(2)(C), (b)(3), I.R.C. § 1603, 7213, equity powers | *Fruehauf Corp.* v. *I.R.S.*, 369 F. Supp. 108 (E.D. Mich. 1974), *aff'd and remanded*, 522 F.2d 284 (6th Cir. 1975), *vacated and remanded*, 429 U.S. 1085, *aff'd*, 566 F.2d 574 (6th Cir. 1977). |
| (355) | (a)(4)(E), (b)(3), Rule 6(e) Fed.R.Crim. P., 26 U.S.C. § 6103, (b)(5), (b)(7)(C), attorneys fees | *Fund for Const. Government* v. *Nat'l. Archives and Records Service*, 485 F. Supp. 1 (D.D.C. 1978). |
| (356) | (b)(5), (b)(7), burden of proof, FOIA as a discovery tool | *Fungone* v. *Bureau of Prisons*, No. C-75-2498 (N.D. Ga. 1976). |
| (357) | (b)(5), (b)(7)(D) | *Furr's Cafeterias, Inc.* v. *NLRB*, 416 F. Supp. 629 (N.D. Tex. 1976), *vacated and remanded*, 566 F.2d 505 (5th Cir. 1978). |
| (358) | agency | *Gale* v. *Andrus*, No. 77-1349 (D.D.C. 1979), *aff'd*, ___F.2d___ (D.C. Cir. 1980). |
| (359) | Adequacy of request | *Gale* v. *U.S. Dept. of Justice*, ___ F.2d ___ (D.C. Cir. 1980) (No. 79-2331). |
| (360) | Privacy Act | *Gallagher* v. *F.B.I.*, 1 Gov't Disclosure (P-H) ¶ 79,136 (D.D.C. 1979). |
| (361) | (b)(7), agency | *Gang* v. *C.S.C.*, No. 76-1263 (D.D.C. 1977). |

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| (362) | (b)(3), adequacy of agency affidavit, Glomar denial | Gardels v. Central Intelligence Agency, 484 F. Supp. 368 (D.D.C 1980). |
| (363) | Exhaustion of administrative remedies | Gasco, Inc. v. Dept. of Energy, No. 78-0390 (D.D.C. 1978). |
| (364) | (b)(5), agency | Gates v. Schlesinger, 366 F. Supp. 797 (D.D.C. 1973). |
| (365) | Privacy Act, adequacy of request, attorneys fees, failure to exhaust administrative remedies | Gedden, Daiker, Manno, Brownell & Elder v. U.S. Postal Service, Nos. 76-331-2, 76-352-2, 78-15-1, 78-16-1, 78-199-1 (S.D. Iowa 1980). |
| (366) | Injunction of agency proceedings pending resolution of FOIA claim | General Cigar Company, Inc. v. Nash, 89 L.R.R.M. 2863 (D.D.C. 1975). |
| (367) | Reverse FOIA case, (b)(3), 18 U.S.C. § 1905, (b)(4), duty to disclose | General Dynamics Corp. v. Dunlop, 427 F. Supp. 578 (E.D. Mo. 1976), vacated and remanded sub nom., General Dynamics Corp. v. Marshall, 527 F.2d 1211 (8th Cir. 1978), vacated and remanded, 441 U.S. 919 (1979), on remand, ____ F.2d ____ (8th Cir. 1979) (No. 77-1192). |
| (368) | Reverse FOIA, (b)(3), 18 U.S.C. § 1905, (b)(4) | General Motors Corp. v. Marshall, No. 78-452-A (E.D. Va. 1980). |
| (369) | (b)(5), (b)(7)(A), (b)(7)(D) | Gerico Inc. v. NLRB, 92 L.R.R.M. 2713 (D. Colo. 1976). |
| (370) | (b)(4), (b)(7) | Getman v. NLRB, 77 L.R.R.M. 3063 (D.D.C. 1971), aff'd, 450 F.2d 670 (D.C. Cir. 1971), application for stay denied, 404 U.S. 1204 (Black Circuit Justice 1971). |
| (371) | FOIA as a discovery tool | Ghandi v. Police Dept. of City of Detroit, 74 F.R.D. 115 (E.D. Mich. 1977). |
| (372) | (b)(3), attorneys fees | Gibson v. Davis, 587 F.2d 280 (6th Cir. 1978), cert. denied, 441 U.S. 905 (1979). |
| (373) | (b)(3), 39 U.S.C. § 410(c)(6), discretionary release | Gibson v. Dept. of the Treasury, No. C-3-75-316 (S.D. Ohio 1976). |
| (374) | Records | Gideon v. Benson, No. TH-75-78-C (S.D. Ind. 1975). |
| (375) | (b)(4), (b)(5), (b)(7)(A), (b)(7)(D), FOIA as a discovery tool | Gifford-Hill, Inc. v. F.T.C., 1975-2 Trade Cas. (CCH) ¶ 60,674 (D.D.C. 1976). |

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| (376) | (a)(1)(D), (a)(2)(C) | Giles Lowery Stock Yards v. Dept. of Argriculture, 565 F.2d 321 (5th Cir. 1977), cert. denied, 436 U.S. 957 (1978). |
| (377) | (b)(7)(A), injunction of agency proceeding pending resolution of FOIA claim | Gimbel Bros. v. NLRB, 92 L.R.R.M. 2733 (E.D. Pa. 1976). |
| (378) | (b)(1), (b)(3), (b)(6) | Ginsberg v. Central Intelligence Agency No. 77-0531 (D.D.C. 1980). |
| (379) | (b)(5) | Ginsberg v. Richardson, 436 F.2d 1146 (3d Cir. 1971), cert. denied, 402 U.S. 976 (1971). |
| (380) | (b)(1), (b)(2), (b)(7)(C), Vaughn index | Ginsberg v. Dept. of Justice, No. 77-532 (D.D.C. 1978), modified, (D.D.C. 1979). |
| (381) | (b)(2), (b)(7),(b)(7)(E) | Ginsberg, Feldman & Bress v. F.E.A., 39 Ad. L.2d (P&F) 332 (D.D.C. 1976), aff'd, No. 76-1759 (D.C. Cir. 1978), vacated pending reh. en banc, (D.C. Cir. 1978), aff'd mem., 591 F.2d 752 (D.C. Cir. 1978), cert. denied, 441 U.S. 906 (1979). |
| (382) | Attorneys fees | Giordano v. Roudebush, 448 F. Supp. 899 (S.D. Iowa 1977). |
| (383) | (a)(1)(D), (a)(1)(E) | Girard Trust Bank v. United States, 602 F.2d 938 (Ct. Cl. 1979). |
| (384) | (b)(3), I.R.C. § 6103, 7213 | Glickman, Luri, Eiger & Co. v. I.R.S., No. 4-75-Civ. 303 (D. Minn. 1975). |
| (385) | (b)(1), (b)(4), agency records, attorneys fees, duty to search | Goland v. Central Intelligence Agency, No. 76-0166 (D.D.C. 1976), aff'd, 607 F.2d 339 (D.C. Cir. 1978), vacated in part, reh. denied, 607 F.2d 367 (D.C. Cir. 1979), cert. denied, ___ U.S. ___ (1980). |
| (386) | (b)(2), (b)(3), (b)(5), (b)(7)(A), (b)(7)(C), (b)(8) | Goldberg v. Dept. of Justice, No. CV 75-1934-RJK (C.D. Ca. 1978). |
| (387) | (a)(4)(E), attorneys fees | Goldstein v. Levi, 415 F. Supp. 303 (D.D.C. 1976). |
| (388) | (b)(5), (b)(7)(A), (b)(7)(D) | Goodfriend Western Corp. v. Fuchs, 411 F. Supp. 454 (D. Mass. 1976), rev'd, 535 F.2d 145 (1st Cir. 1976), cert. denied, 429 U.S. 895 (1976). |
| (389) | (b)(4), 18 U.S.C. § 1905, agency records (personal records not agency records) | Gov't Sales Consultants, Inc. v. G.S.A., No. 77-1294 (D.D.C. 1979). |
| (390) | (b)(7)(A) | Grabinski v. I.R.S., 478 F. Supp. 486 (E.D. Mo. 1979). |

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| (391) | (b)(7)(A), (b)(7)(D) | *Grand Laboratories, Inc.* v. *U.S. Dept. of Agriculture*, No. 79-1085 (D.D.C. 1979). |
| (392) | Sunshine Act | *Graphnet* v. *U.S. Postal Service*, 1 Gov't. Disclosure (P-H) ¶ 80,039 (D.D.C. 1980). |
| (393) | (b)(5), (b)(6) | *Grassetti* v. *Weinberger*, 408 F. Supp. 142 (N.D. Cal. 1976). |
| (394) | Privacy Act | *Greater Cleveland Welfare Rights Organization* v. *Bauer*, 462 F. Supp. 1313 (N.D. Ohio 1978). |
| (395) | (b)(3), 50 U.S.C. § 2406(b) | *Green* v. *Dept. of Commerce*, 468 F. Supp. 691 (D.D.C. 1979), *aff'd in part mem.*, No. 79-1509 (D.C. Cir. 1979), *appeal dismissed*, 618 F.2d 836 (D.C. Cir. 1980), *modified*, (D.D.C. 1980). |
| (396) | (b)(1), (b)(2), (b)(3), 50 U.S.C. § 403, *in camera* inspection, *Vaughn* index | *Green* v. *Kissinger*, No. 76-C-3899 (N.D. Ill. 1977). |
| (397) | (b)(4), (b)(7) | *Green* v. *Kleindienst*, 378 F. Supp. 1397 (D.D.C. 1974). |
| (398) | Privacy Act | *Green* v. *Philbrook*, 427 F. Supp. 834 (D. Vt. 1977), *rev'd*, 576 F.2d 440 (2d Cir. 1978). |
| (399) | FOIA as a discovery tool | *Greene County Planning Bd.* v. *Fed. Power Com'n*, 559 F.2d 1227 (2d Cir. 1976), *cert. denied*, 434 U.S. 1086 (1978). |
| (400) | (b)(7)(D) | *Gregg* v. *I.R.S.*, No. 79-1357 (D.D.C. 1980). |
| (401) | (b)(4), (b)(5) | *Gregory* v. *Board of Governors*, No. 79-1787 (D.D.C. 1980). |
| (402) | (b)(5), (b)(6), (b)(7), (b)(8), attorneys fees | *Gregory* v. *Federal Deposit Ins. Corp.*, 470 F. Supp. 1329 (D.D.C. 1979), *rev'd in part and aff'd in part*, ___ F.2d ___ (D.C. Cir. 1980) (No. 79-1868, 2274 & 2292). |
| (403) | (b)(3), I.R.C. § 6103, 6110 | *Grenier* v. *I.R.S.*, 449 F. Supp. 834 (D. Md. 1978). |
| (404) | Jurisdiction | *Grissom* v. *NLRB*, 364 F. Supp. 1151 (M.D. La. 1973), *aff'd sub nom.*, *NLRB* v. *Big Three Industries, Inc.*, 497 F.2d 43 (5th Cir. 1974). |
| (405) | Attorneys fees | *Grooms* v. *Snyder*, 447 F. Supp. 380 (N.D. Ind. 1979). |

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| (406) | (b)(1), (b)(3), Executive Order 12065, (b)(6), attorneys fees, duty to search | *Ground Saucer Watch, Inc.* v. *Central Intelligence Agency*, No. 78-0859 (D.D.C. 1980). |
| (407) | Adequacy of request, duty to search, exhaustion of administrative remedies | *Grove Press, Inc.* v. *U.S. Dept. of Justice*, 75 Civ. 6204 (GLG) (S.D. N.Y. 1979). |
| (408) | Attorneys fees | *Grumman Aerospace Corp.* v. *United States*, 579 F.2d 586 (Ct. Cl. 1978). |
| (409) | (a)(2)(A), (b)(4) | *Grumman Aircraft Engineering Corp.* v. *Renegotiation Board*, 425 F.2d 578 (D.C. Cir. 1970), *on remand*, 325 F. Supp. 1146 (D.D.C. 1971), *aff'd*, 482 F.2d 710 (D.C. Cir. 1973), *rev'd*, 421 U.S. 168 (1975), *vacated* 515 F.2d 1017 (D.D.C. 1975). |
| (410) | Reverse FOIA case, (b)(3), 15 U.S.C. § 2055, (b)(1) | *GTE Sylvania, Inc.* v. *Consumer Product Safety Com'n.*, 443 F. Supp. 1152 (D. Del. 1977), *aff'd*, 598 F.2d 790 (3d Cir. 1979), *aff'd sub nom.*, *Consumer Product Safety Com'n.* v. *GTE Sylvania, Inc.*, ___ U.S. ___ (1980). |
| (411) | (b)(5) | *Guckian* v. *G.S.A.*, No. 75-2156, 38 Ad. L.2d (P & F) 1061 (D.D.C. 1976), *remanded per curiam with instructions to vacate*, No. 1410 (D.C. Cir. 1976). |
| (412) | Privacy Act | *Guerra* v. *Bell*, No. 78-1509 (D.D.C. 1979). |
| (413) | Reverse FOIA case, (b)(3), 18 U.S.C. § 1905, (b)(4) | *Guerra* v. *Guajardo*, 466 F. Supp. 1046 (S.D. Tex. 1978), *aff'd*, 597 F.2d 769 (5th Cir. 1979). |
| (414) | (b)(4) | *G & W Industries, Inc.* v. *United States*, 615 F.2d 527 (D.C. Cir. 1979). |
| (415) | Reverse FOIA, 18 U.S.C. § 1905 | *Gulf Oil Corp.* v. *Marshall*, No. 75-1491 (D.D.C. 1979). |
| (416) | (a)(1)(D) | *Gunter* v. *Comptroller of the Currency*, No. C78-792A (N.D. Ga. 1978). |
| (417) | (b)(1), (b)(7)(D) | *Gutman* v. *Kelley*, No. 75 C 3576 (N.D. Ill. 1978). |
| (418) | Privacy Act | *Hacopian* v. *Marshall*, No. CV 78-0953-DWW (PX) (C.D. Cal. 1980). |
| (419) | (b)(1), discretionary release, *in camera* inspection, leaks | *Halkin* v. *Dept. of State*, Nos. 77-1922, 77-1923 (D.C. Cir. 1978). |

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| (420) | (b)(3), 50 U.S.C. § 403(d)(3) and 50 U.S.C. § 403(g), adequacy of agency affidavit, summary judgement | *Halperin* v. *Central Intelligence Agency*, No. 77-1859 (D.D.C. 1979), *aff'd*, ___ F.2d ___ (D.C. Cir. 1980) (No. 79-1849). |
| (421) | (b)(1), (b)(3), 50 U.S.C. § 403 | *Halperin* v. *C.I.A.*, 446 F. Supp. 661 (D.D.C. 1978). |
| (422) | (b)(1) | *Halperin* v. *Colby*, No. 75-676 (D.D.C. 1976). |
| (423) | (b)(1), equitable discretion, *in camera* inspection | *Halperin* v. *Dept. of State*, 565 F.2d 699 (D.C. Cir. 1977), *cert. denied*, 434 U.S. 1046 (1978). |
| (424) | (b)(1), *in camera* inspection, reasonably segregable | *Halperin* v. *Nat'l. Security Council*, 452 F. Supp. 47 (D.D.C. 1978), *aff'd per curium*, ___ F.2d ___ (D.C. Cir. 1980) (No. 78-1858). |
| (425) | (b)(7)(C), (b)(7)(D), discovery in FOIA cases, *in camera* inspection | *Halprin* v. *Webster*, No. 78-1149 (D.D.C. 1979). |
| (426) | (a)(6)(A), (a)(6)(B), (b)(1), attorneys fees, Executive Order 11652, *Vaughn* index | *Hamlin* v. *Kelley*, 433 F. Supp. 180 (N.D. Ill. 1977), *modified*, No. 76 C 3902 (N.D. Ill. 1980). |
| (427) | (b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D), injunction of agency proceeding pending resolution of FOIA claim | *Hankamer Ready Mix Concrete Co.* v. *NLRB*, 92 L.R.R.M. 2720 (D. Kan. 1976). |
| (428) | Privacy Act | *Hanley* v. *Dept. of Justice*, ___ F.2d ___ (6th Cir. 1980) (No. 78-3240). |
| (429) | (b)(7) | *Harbolt* v. *Alldredge*, 464 F.2d 1243 (10th cir. 1972), *cert. denied*, 409 U.S. 1025 (1972). |
| (430) | Agency records, records | *Harbolt* v. *Bensinger*, No. 76-H-1737 (S.D. Tex. 1977). |
| (431) | (b)(6) | *Harbolt* v. *Dept. of State*, 616 F.2d 772 (5th Cir. 1980). |
| (432) | (a)(2)(C), (b)(2), equitable discretion | *Hardy* v. *Bureau of Alcohol, Tobacco and Firearms*, No. CIV 78-189-TUC-MAR (D. Ariz. 1979). |
| (433) | (a)(1)(D), (a)(1)(E), publication | *Hark* v. *Dragon*, 477 F. Supp. 308 (D. Vt. 1979), *aff'd*, 611 F.2d 11 (2d Cir. 1979). |
| (434) | Exhaustion of administrative remedies | *Harper* v. *Kobelinski*, 589 F.2d 721 (D.C. Cir. 1978). |

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| (435) | Privacy Act | Harper v. United States, 423 F. Supp. 192 (D.S.C. 1976). |
| (436) | (b)(7)(A), (b)(7)(C), (b)(7)(D) | Harowe Servo Controls, Inc. v. NLRB, 92 L.R.R.M. 2572 (E.D. Pa. 1976). |
| (437) | Exhaustion of administrative remedies | Hartford Fire Ins. Co. v. NLRB, 73 Lab. Cas. (CCH) ¶ 14,409 (D.D.C. 1974). |
| (438) | (b)(7)(A), FOIA as a discovery tool, Vaughn index | Hartman v. I.R.S., No. 76-1321 (W.D. Pa. 1977). |
| (439) | (b)(7)(A) in camera inspection | Harvey's Wagon Wheel, Inc. v. NLRB, 91 L.R.R.M. 2410 (N.D. Cal. 1976), vacated in part and remanded, 550 F.2d 1139 (9th Cir. 1976). |
| (440) | (b)(2) | Hawkes v. I.R.S., 71-2 U.S.T.C. ¶ 9640 (W.D. Tenn. 1971), rev'd and remanded, 467 F.2d 787 (6th Cir. 1972), on remand, No. C-70-409 (W.D. Tenn. 1973), aff'd, 507 F.2d 481 (6th Cir. 1974). |
| (441) | (b)(1), (b)(3), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E), adequacy of agency affidavit, Vaughn index | Hayden v. Central Intelligence Agency, No. 76-284 (D.D.C. 1976), remanded for reconsideration, No. 77-1894 (D.C. Cir. 1978), decision on remand, No. 76-284 (D.D.C. 1980). |
| (442) | (a)(4)(C), (a)(6)(A), (a)(6)(B) | Hayden v. Dept. of Justice, 413 F. Supp. 1285 (D.D.C. 1976). |
| (443) | (b)(1), (b)(3), 50 U.S.C. § 402, in camera inspection, Vaughn index | Hayden v. Nat'l. Security Agency, 452 F. Supp. 247 (D.D.C. 1978), aff'd, 608 F.2d 1381 (D.C. Cir. 1979), cert. denied, ___ U.S. ___ (1980). |
| (444) | Agency | Health Systems Medical Supply, Inc. v. Blue Cross-Blue Shield of Alabama, No. CA-77-P-0988-NE (N.D. Ala. 1977). |
| (445) | Exhaustion of administrative remedies | Hedley v. United States, 594 F.2d 1043 (5th Cir. 1979). |
| (446) | No records within scope of request | Heimerle v. Fiske, 78 Civil 1388 (WCC) (S.D.N.Y. 1979). |
| (447) | (b)(6), (b)(7)(C), agency records | Heimerle v. U.S. Attorney General, No. 79-2354 (D.D.C. 1980). |
| (448) | (b)(2), (b)(5), (b)(7)(C), (b)(7)(D), (b)(7)(E), promises of confidentiality | Heimerle v. U.S. Secret Service, No. 78-2015 (D.D.C. 1979). |
| (449) | Attorneys fees | Henry v. H.E.W., No. 79-C-432 (D. Colo. 1980). |
| (450) | (b)(5) | Herman v. Middendorf, No. 75-1246 (D.D.C. 1975). |

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| (451) | (b)(5), (b)(7)(A), in camera inspection | Heublein v. F.T.C., 457 F. Supp. 52 (D.D.C. 1978). |
| (452) | (b)(2) | Hicks v. Freeman, 397 F.2d 193 (4th Cir. 1968), cert. denied, 393 U.S. 1064 (1969). |
| (453) | Exhaustion of administrative remedies | Hicks v. Hanberry, No. C78-1044A (N.D. Ga. 1978). |
| (454) | (b)(2), (b)(3), (b)(6), in camera inspection, reasonably segregable | Higgs v. C.I.A., No. 76-884 (D.D.C. 1977). |
| (455) | (b)(6) | Hiss v. Dept. of Justice, 441 F. Supp. 69, (S.D.N.Y. 1977). |
| (456) | (a)(2) | Hodge v. Alexander, No. 77-288 (D.D.C. 1977). |
| (457) | Investigatory records, FOIA as a discovery tool | Hodgson v. General Motors Acceptance Corp., 54 F.R.D. 445 (S.D. Fla. 1972). |
| (458) | (a)(2), (b)(2), (b)(5) | Hogan v. United States, No. 73-1385 (S.D. Fla. 1974). |
| (459) | Publication | Hogg v. United States, 428 F.2d 274 (6th Cir. 1970). |
| (460) | Reverse FOIA case, (b)(3), 18 U.S.C. § 1905, (b)(4) | Holiday Inns, Inc. v. Kleepe, 40 Ad. L.2d (P & F) 66 (W.D. Tenn. 1976). |
| (461) | (b)(7) | Holiday Magic, Inc. v. FTC, 32 Ad. L.2d (P & F) 703 (D.D.C. 1973). |
| (462) | (b)(1), (b)(2), (b)(3), (b)(6), (b)(7)(C), (b)(7)(D) | Hollander v. Kelley, No. 77-204-M Civil (D. N.M. 1978). |
| (463) | (a)(4)(E), (a)(4)(F), (b)(6), (b)(7)(C), attorneys fees | Holly v. Acree, No. 75-2166 (D.D.C. 1973), attys fees, 72 F.R.D. 115 (D.D.C. 1976), aff'd sub nom., Holly v. Chasen, 569 F.2d 160 (D.C. Cir. 1977), attys fees, No. 75-2116 (D.D.C. 1979). |
| (464) | Adequacy of agency affidavit, agency records, referral of request to another agency | Holy Spirit Assoc. v. Central Intelligenc Agency, No. 79-0151 (D.D.C. 1979). |
| (465) | Reverse FOIA case, (b)(4), discretionary release | Honeywell Information Systems, Inc. v. N.A.S.A., Nos. 76-353, 76-377 (D.D.C. 1976). |
| (466) | (b)(5), (b)(7)(A) | Hook Drugs v. NLRB, 91 L.R.R.M. 2797 (S.D. Ind. 1976). |

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| (467) | (b)(5), FOIA as a discovery tool | Hoover v. U.S. Dept. of the Interior, 611 F.2d 1132 (5th Cir. 1980). |
| (468) | Reverse FOIA case, 18 U.S.C. § 1905, nexus test (42 U.S.C. § 1306(a)) | Hospital Affiliates International, Inc. v. Califano, No. 77-C-3088 (N.D. Ill. 1979). |
| (469) | Constitutional right to access to gov't. information | Houchins v. KQED, 546 F.2d 284 (9th Cir. 1976), rev'd and remanded, 438 U.S. 1 (1978). |
| (470) | Privacy Act | Houston v. I.R.S., No. 78-0541 (D.D.C. 1979). |
| (471) | (b)(5), (b)(6), (b)(7)(C) | Howard Johnson Co., Inc. v. NLRB, 444 F. Supp. 843 (E.D. Mich 1977), rev'd, 618 F.2d 1 (6th Cir. 1980). |
| (472) | Injunction of agency proceeding pending resolution of FOIA claim | Howard Johnson Restaurant, Inc. v. NLRB, 95 L.R.R.M. 2471 (W.D.N.Y. 1977). |
| (473) | Records (unintelligible) | Hrynko v. Crawford, 402 F. Supp. 1083 (E.D. Pa. 1975). |
| (474) | Reverse FOIA case, (b)(3), 42 U.S.C. § 2000e, delegation of responsibility for promulgation of regulations | Hughes Aircraft Co. v. Schlesinger, 384 F. Supp. 292 (C.D. Cal. 1974). |
| (475) | (a)(4)(E), attorneys fees | Hull v. Civil Service Com'n., No. C 77-577 A (N.D. Ga. 1978). |
| (476) | Reverse FOIA case, (b)(4), 18 U.S.C. § 1905 | Humana of Virginia, Inc. v. Blue Cross of Va., 455 F. Supp. 1174 (E.D. Va. 1978), rev'd and remanded, No. 78-1857 (4th Cir. 1980). |
| (477) | (a)(1) | Human Resources Management, Inc. v. Weaver, 442 F. Supp. 241 (D.D.C. 1978). |
| (478) | (a)(4)(E), (b)(3), (b)(6), attorneys fees | Hunt v. C.I.A., No. 78-146-A (E.D. Va. 1978). |
| (479) | (b)(3), 7 U.S.C. § 12, (b)(5), (b)(7)(A) | Hunt v. Commodity Futures Trading Comm., 484 F. Supp. 47 (D.D.C. 1979). |
| (480) | Sunshine Act | Hunt v. Nuclear Regulatory Comm., 468 F. Supp. 817 (N.D. Okla. 1979), aff'd, 611 F.2d 332 (10th Cir. 1979), cert. denied, ___ U.S. ___ (1980). |
| (481) | Discovery in FOIA, Rule 34 | Hurt v. United States, No. 72-3183 (9th Cir. 1974). |
| (482) | (b)(7) | Hyde Park Products Corp. v. Acree, No. 75-Civ. 2713 (S.D.N.Y. 1975). |

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| (483) | FOIA as a discovery tool | *In re Adele Halkin, et al.*, __ F.2d __ (D.C. Cir. 1979) (No. 77-1313). |
| (484) | Rule 34 | *In re Franklin Nat'l. Bank Securities Lit.*, 478 F. Supp. 577 (E.D.N.Y. 1979). |
| (485) | Fed.R.Crim. P. 6(e) | *In re Grand Jury Investigation Uranium Industry*, Misc. 78-0173 (D.D.C. 1979). |
| (486) | (b)(4), (b)(7) | *In re Grand Jury Witness Subpoenas*, 370 F. Supp. 1282 (S.D. Fla. 1974). |
| (487) | Duty to disclose | *In re Irving*, 600 F.2d 1027 (2d Cir. 1979), cert. denied, 100 S.Ct. 137 (1979). |
| (488) | Agency | *Independent Investor Protective League v. New York Stock Exchange*, 367 F. Supp. 1376 (S.D.N.Y. 1973). |
| (489) | (b)(4), attorney work product, promise of confidentiality | *Indian Law Resource Center* v. *Dept. of Interior*, 477 F. Supp. 144 (D.D.C. 1979). |
| (490) | (b)(5), (b)(6), (b)(7)(C), proper party defendant | *Information Acquisition Corp.* v. *U.S. Dept. of Justice*, No. 77-839 (D.D.C. 1979). |
| (491) | (b)(6), (b)(7)(C), *Vaughn* index | *Information Acquisition Corp.* v. *Dept. of Justice*, 444 F. Supp. 458 (D.D.C. 1978). |
| (492) | Exhaustion of administrativae remedies, fees (search and duplication), failure to meet time limits | *Information Acquisition Corp.* v. *Dept. of State*, No. 77-0921 (D.D.C. 1977). |
| (493) | (b)(7) | *Institute for Weight Control, Inc.* v. *Klassen*, 348 F. Supp. 1304 (D.N.J. 1972), *aff'd*, 474 F.2d 1338 (2d Cir. 1973). |
| (494) | FOIA as a discovery tool | *Instrument Systems Corp.* v. *United States*, 546 F.2d 357 (Ct. Cl. 1976). |
| (495) | Discretionary release, 18 U.S.C. § 1905 | *Interco, Inc.* v. *F.T.C.*, No. 78-929 C (3) (E.D. Mo. 1979) (cases transferred to D.D.C.); No. 78-2486, 478 F. Supp. 103 (D.D.C. 1979), *remanded for reconsideration*, No. 79-1423 (D.C. Cir. 1979), *on remand*, (D.D.C. 1979). |
| (496) | (b)(5) | *International Paper Co.* v. *F.P.C.*, 438 F.2d 1349, (2d Cir. 1971), *cert. denied*, 404 U.S. 827 (1971). |
| (497) | Privacy Act, (b)(7), (b)(7)(D), adequacy of agency affidavit, burden of proof, *in camera* inspection, investigatory records | *Irons* v. *Levi*, 451 F. Supp. 751 (D. Mass. 1978), *vacated sub. nom.*, *Irons* v. *Bell*, 596 F.2d 468 (1st Cir. 1979), *on remand sub nom.*, No. 76-963-S (D. Mass. 1980). |

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| (498) | (b)(3), 35 U.S.C § 122, (b)(4), adequacy of request, reasonably segregable, records | Irons v. Schuyler, 321 F. Supp. 628 (D.D.C. 1970), aff'd in part and remanded in part, 475 F.2d 608 (D.C. Cir. 1972), cert. denied, 409 U.S. 1076 (1972), on remand sub nom., Irons v. Gottschalk, 369 F. Supp, 403 (D.D.C. 1974), remanded, 548 F.2d 992 (D.C. Cir. 1976), cert. denied, in 434 U.S. 965 (1977). |
| (499) | (b)(4) | Irons & Sears v. Chasen, No. 78-2372 (D.D.C. 1979). |
| (500) | (b)(3), 35 U.S.C. § 122 | Irons & Sears v. Dann, 606 F.2d 1215 (D.C. Cir. 1979). |
| (501) | (b)(5), (b)(7)(A), (b)(7)(D), injunction of agency proceeding pending resolution of FOIA claim | ITT American Electric v. NLRB, 92 L.R.R.M. 2815 (N.D. Miss. 1976). |
| (502) | (b)(7)(A) | ITT Continental Baking Co. v. F.T.C., 40 Ad. L.2d (P & F) 183 (D.D.C. 1976). |
| (503) | (b)(4), (b)(5) | ITT Gilfillan, Inc. v. Froehlke, No. 416-73 (D.D.C. 1973). |
| (504) | (b)(3), I.R.C. § 6103, 6110, duty to search | IU International Corp. v. Maritime Administration, No. 77-0498 (D.D.C. 1977). |
| (505) | Privacy Act | Jabara v. Kelley, 476 F. Supp. 561 (E.D. Mich. 1979). |
| (506) | (b)(1), attorneys fees, in camera inspection, Vaughn index | Jaffe v. C.I.A., No. 76-1394 (D.D.C. 1977), attys fees, No. 76-1394 (D.D.C. 1979). |
| (507) | Failure to meet time limits | Jaffess v. Secretary, H.E.W., 393 F. Supp. 626 (S.D.N.Y. 1975). |
| (508) | (b)(5), (b)(7)(A) | Jamco International, Inc. v. NLRB, 91 L.R.R.M. 2446 (N.D. Okla. 1976). |
| (509) | Fees-waiver | Jester v. U.S. Dept. of Justice, No. 79-1347 (D.D.C. 1979). |
| (510) | (b)(4) | Johnson v. H.E.W., 462 F. Supp. 336 (D.D.C. 1978). |
| (511) | (b)(3), Fed.R.Crim. P. 6(e), attorneys fees, referral of request to another agency | Johnson v. Dept. of Justice, No. 77-2092 (E.D. La. 1978). |
| (512) | Privacy Act | Johnson v. U.S., 618 F.2d 677 (10th Cir. 1980). |
| (513) | Attorneys fees | Jones v. United States Secret Service, 81 F.R.D. 700 (D.D.C. 1979). |
| (514) | (a)(2), (b)(2), (b)(5), attorney work-product | Jordan v. U.S. Dept. of Justice, 591 F.2d 753 (D.C. Cir. 1978). |

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| (515) | (b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D) | *Joseph Horne Co.* v. *NLRB*, 455 F. Supp. 1383 (W.D. Pa. 1978). |
| (516) | Exhaustion of administrative remedies | *J.P. Stevens Employees Education Committee* v. *NLRB*, 582 F.2d 326 (4th Cir. 1978). |
| (517) | (b)(3), burden of proof | *Juliano* v. *I.R.S.*, No. C78-1070-A (N.D. Ga. 1979). |
| (518) | Executive privilege | *Kaiser Aluminum Chemical Corp.* v. *United States*, 157 F. Supp. 939 (Ct. Cl. 1958). |
| (519) | (b)(7)(A), (b)(7)(C), (b)(7)(D), agency records, *in camera* inspection | *Kaminer* v. *NLRB*, 90 L.R.R.M. 2269 (S.D. Miss. 1975). |
| (520) | Duty to disclose newly-created records, exhaustion of administrative remedies | *Kaminskas* v. *Dept. of Justice*, No. H-76-511 (D. Conn. 1978). |
| (521) | Exhaustion of administrative remedies | *Kaminski* v. *C.S.C.*, No. 75-458 (N.D.N.Y. 1977). |
| (522) | (b)(1), (b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(E), Executive Order 12065, *in camera* inspection | *Kanter* v. *Dept. of State*, 479 F. Supp. 921 (D.D.C. 1979). |
| (523) | (b)(2), (b)(3), (b)(5), (b)(7)(A), (b)(7)(C), I.R.C. § 6103, burden of proof, *Vaughn* index | *Kanter* v. *I.R.S.*, 433 F. Supp. 812 (N.D. Ill, 1977), *dismissed*, 478 F. Supp. 552 (N.D. Ill. 1979). |
| (524) | (a)(4)(E), (b)(2), (b)(7)(C), (b)(7)(D), attorneys fees | *Katz* v. *U.S. Dept. of Justice*, No. 76 Civ. 5813 (MJL) (S.D.N.Y. 1979). |
| (525) | (a)(4)(E), (b)(8), mootness | *Kaye* v. *Burns*, 411 F. Supp. 897 (S.D.N.Y. 1976). |
| (526) | (b)(2), (b)(7)(C), (b)(7)(D), (b)(7)(E) | *Kazonis* v. *Bell*, No. 79-801 (D.D.C. 1979). |
| (527) | No records within scope of request | *Kazonis* v. *Stutely*, No. 79-1195 (D.D.C. 1979). |
| (528) | (b)(2), (b)(5), (b)(7)(C), (b)(7)(D), (b)(7)(F), duty to search, proper party defendant | *Keeney* v. *F.B.I.*, No. H-76-396 (D. Conn. 1979). |
| (529) | (a)(2)(A), (a)(2)(B), (b)(5) | *Kent Corp.* v. *NLRB*, No. 73-M-1090 (N.D. Ala. 1974), *rev'd* 530 F.2d 612 (5th Cir. 1976), *cert. denied*, 429 U.S. 920 (1976). |
| (530) | Agency, FOIA as a discovery tool | *Kerr* v. *U.S. Dist. Ct. for North. Dist. of Cal.*, 511 F.2d 192 (9th Cir. 1975), *aff'd on non FOIA grounds*, 426 U.S. 364 (1976). |

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| (531) | Survival of FOIA cause of action | Kight v. U.S. Postal Service, No. 78-149-Civ-JAG (S.D. Fla. 1979). |
| (532) | Privacy Act, records | King v. Califano, 471 F. Supp. 180 (D.D.C. 1979). |
| (533) | (b)(1), in camera inspection | Klaus v. Blake, 428 F. Supp. 37 (D.D.C. 1976). |
| (534) | (b)(1), (b)(3) | Klaus v. N.S.C., No. 75-1093 (D.D.C. 1976). |
| (535) | Duty to search inspection | Kleinbart v. Secretary of H.E.W., No. 79-3098 (D.D.C. 1980). |
| (536) | (b)(5), (b)(7) | Koch v. Dept. of Justice, 376 F. Supp. 313 (D.D.C. 1974). |
| (537) | (b)(7)(A), mootness | Kramer v. Antitrust Division, Dept. of Justice, 40 Ad. L2d (P & F) 7 (D.D.C. 1976). |
| (538) | (b)(4), (b)(5), (b)(6) | Kreindler v. Dept. of Navy, 363 F. Supp. 611 (S.D.N.Y. 1973), summary judgment, 372 F. Supp. 333 (S.D.N.Y. 1974). |
| (539) | (b)(1), Executive Order 12065, (b)(7)(A), (b)(7)(C), (b)(7)(D), (b)(7)(E) | Krohn v. U.S. Dept. of Justice, No. 79-0667 (D.D.C. 1980). |
| (540) | (b)(5), in camera inspection | Krohn v. U.S. Dept. of Justice, No. 78-1535 (D.D.C. 1979). |
| (541) | Adequacy of request, duty to create a record, no records within scope of request | Krohn v. U.S. Dept. of Justice, No. 78-1311 (D.D.C. 1979), aff'd, ___ F.2d ___ (D.C. Cir. 1980) (No. 78-1311). |
| (542) | Agency records (judicial branch records not agency record) | Kros v. Dept. of Justice, No. B-130 (D. Conn. 1980). |
| (543) | (b)(1) | Kruh v. G.S.A., 61 F.R.D. 1 (E.D.N.Y. 1974). |
| (544) | (b)(3), 50 U.S.C. | Kruh v. G.S.A., 421 R. Supp. 965 (E.D. N.Y. 1976). |
| (545) | (b)(2), (b)(7)(C), (b)(7)(D), investigatory records, Vaughn index | Kuehnert v. Webster, 472 F. Supp. 362 (E.D. Mo. 1979), aff'd in part and remanded in part, ___ F. 2d ___ (8th Cir. 1980) (No. 79-1581). |
| (546) | (b)(1), (b)(6), (b)(7), (b)(7)(C), (b)(7)(D), (b)(7)(E), burden of proof, Executive Order 12065, summary judgment | Lamont v. Dept. of Justice, 475 F. Supp. 761 (S.D.N.Y. 1979). |
| (547) | (b)(7) | LaMorte v. Mansfield, 438 F.2d 448 (2d Cir. 1971). |

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| (548) | Privacy Act | *Lapin* v. *Taylor*, 475 F. Supp. 446 (D. Hawaii 1979). |
| (549) | Reverse FOIA case, attorneys fees, failure to meet time limits | *Larouche* v. *F.B.I.*, No. 75 Civ. 6010 (S.D.N.Y. 1977), *subsequent decision sub nom.*, *Larouche* v. *Kelley*, __ F. Supp. __ (S.D.N.Y. 1979) (75 Civ. 6010). |
| (550) | Privacy Act | *Larry* v. *Lawler*, 605 F.2d 954 (7th Cir. 1979). |
| (551) | Attorney fees | *LaSalle Extension University* v. *F.T.C.*, No. 77-0002 (D.D.C. 1979), *aff'd*, __ F.2d __ (D.C. Cir. 1980). |
| (552) | (b)(5), discovery in FOIA litigation, *in camera* inspection, reasonably segregable | *Lead Industries Ass'n.* v. *Occupational S. & H. Admin.*, 471 F. Supp. 155 (S.D.N.Y. 1979), *rev'd in part*, 610 F.2d 70 (2d Cir. 1979). |
| (553) | (b)(3), 35 U.S.C. § 122 | *Lee Pharmaceuticals* v. *Kreps*, 577 F.2d 610 (9th Cir. 1978), *cert. denied*, 439 U.S. 1073 (1979). |
| (554) | (b)(3), 42 U.S.C. § 2000, (b)(4), (b)(7) | *Legal Aid Society of Alameda County* v. *Shultz*, 349 F. Supp. 771 (N.D. Cal. 1972). |
| (555) | (b)(6), (b)(7)(A), (b)(7)(C) | *L'Eggs Products, Inc.* v. *NLRB*, 93 L.R.R.M. 2488 (C.D. Cal. 1976). |
| (556) | Injunction of agency proceeding pending resolution of FOIA claim | *Lennon* v. *Richardson*, 378 F. Supp. 39 (S.D.N.Y. 1974). |
| (557) | (b)(1), (b)(2), (b)(7)(C), (b)(7)(D), Executive Order 11652, Executive Order 12065, investigatory records, leaks | *Lesar* v. *U.S. Dept. of Justice*, 455 F. Supp. 921 (D.D.C. 1978), *aff'd*, __ F.2d __ (D.C. Cir. 1980) (No. 78-2305). |
| (558) | (b)(4), (b)(6) | *Levin* v. *Dept. of Treasury*, No. 73-1215, 34 Ad. L.2d (P & F) 633 (S.D. Fla. 1974). |
| (559) | (a)(1)(D), publication | *Lewis* v. *Weinberger*, 415 F. Supp. 652 (D.N.M. 1976). |
| (560) | (b)(3), (b)(7)(C), (b)(7)(E) | *Librach* v. *F.B.I., et al.*, 587 F.2d 372 (8th Cir. 1978), *cert. denied*, 440 U.S. 910 (1979). |
| (561) | Adequacy of request, FOIA as a discovery tool | *Lincoln Nat'l. Bank* v. *Lampe*, 421 F. Supp. 346 (N.D. Ill. 1976). |
| (562) | (b)(7)(C), *in camera* inspection | *Lincoln Nat'l. Bank* v. *U.S. Dept. of Justice*, No. 76-C-4531 (7th Cir. 1979). |
| (563) | (b)(7) | *Linebarger* v. *F.B.I.*, No. C-76-1826-WWS (N.D. Cal. 1977). |

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| (564) | (b)(5), attorney work-product | *Linker* v. *Hills*, 453 F. Supp. 556 (S.D.N.Y. 1978). |
| (565) | (b)(3), I.R.C. § 6103, (b)(7)(A), (b)(7)(C), (b)(7)(D), *in camera* inspection | *Lobosco* v. *I.R.S.*, No. 77-C-1464 (E.D.N.Y. 1977), *summary judgment*, (E.D.N.Y. 1978). |
| (566) | (b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D) | *Local 30, United Slate, Tile, Etc. AFL-CIO* v. *NLRB*, 408 F. Supp. 520 (E.D. Pa. 1976). |
| (567) | Privacy Act | *Local 2047, Am. Fed. of Gov't. Emp.* v. *Def. Gen. Supply*, 423 F. Supp. 481 (E.D. Va. 1976), *aff'd*, 573 F.2d 184 (4th Cir. 1978). |
| (568) | (b)(5), (b)(7)(A), (b)(7)(C) | *Local 32, Plumbers* v. *Irving*, 91 L.R.R.M. 2513 (W.D. Wash. 1976). |
| (569) | (b)(7)(A) | *Local Unions No. 836 and 792* v. *NLRB*, 446 F. Supp. 1037 (E.D. Wis. 1978). |
| (570) | Agency | *Lombardo* v. *Handler*, 397 F. Supp. 792 (D.D.C. 1975), *aff'd*, 546 F.2d 1043 (D.C. Cir. 1976), *cert. denied*, 431 U.S. 932 (1977). |
| (571) | Promise of confidentiality | *Londrigan* v. *F.B.I.*, No. 78-1360 (D.D.C. 1979). |
| (572) | (b)(3), 26 U.S.C. § 6103, duty to create a record, equitable discretion, fees, reasonably segregable, waiver of exemption (failure to assert in litigation) | *Long* v. *I.R.S.*, No. C-75-2285 (W.D. Wash. 1976), *vacated*, 596 F.2d 362 (9th Cir. 1979), *cert. denied*, ___ U.S. ___ (1980). |
| (573) | (b)(2), (b)(5), (b)(7) | *Long* v. *I.R.S.*, 339 F. Supp. 1266 (W.D. Wash. 1971), *subsequent decision*, 349 F. Supp. 871 (W.D. Wash. 1972). |
| (574) | Fees-waiver | *Long* v. *U.S. Dept. of Justice*, No. 79-169-N (N.D. Ala. 1979). |
| (575) | (a)(2)(C), (b)(2), (b)(5), attorneys fees | *Lord & Taylor* v. *Dept. of Labor*, No. 75-Civ. 2839 (S.D.N.Y. 1976), *attys fees*, (S.D.N.Y. 1977). |
| (576) | Attorney fees, mootness | *Lovell* v. *Alderete*, No. 78-438 A (N.D. Ga. 1979). |
| (577) | (b)(3), I.R.C. § 6103, 7213, (b)(7)(C), (b)(7)(D), attorneys fees | *Luzaich* v. *United States*, 435 F. Supp. 31 (D. Minn. 1977), *aff'd*, 564 F.2d 101 (8th Cir. 1977). |

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| (578) | (a)(2), fees (search and duplication), improper withholding | *Lybarger* v. *Cardwell*, 438 F. Supp. 1075 (D. Mass. 1977), *aff'd*, 577 F.2d 764 (1st Cir. 1978). |
| (579) | Privacy Act | *Lydia* v. *United States Army*, No. 78-69 (D.S.C. 1979). |
| (580) | (b)(3), (b)(5), (b)(7)(A), discovery in FOIA, discreationary release, duty to search, *Vaughn* index | *Lyle* v. *I.R.S.*, No. C-77-942 A (N.D. Ga. 1978), *subsequent decision*, (N.D. Ga. 1978). |
| (581) | No records within scope of request | *Lynch* v. *I.R.S.*, No. 77-1370 (D.D.C. 1978). |
| (582) | (b)(3), 18 U.S.C. § 1905, (b)(4), (b)(5), (b)(7) | *M.A. Schapiro & Co.* v. *S.E.C.*, 339 F. Supp. 467 (D.D.C. 1972). |
| (583) | Privacy Act | *Machen* v. *U.S. Army*, No. 78-582, (D.D.C. 1979). |
| (584) | (b)(6) | *Madiera Nursing, Etc.* v. *NLRB, Region No. 9*, 96 L.R.R.M. 2411 (S.D. Ohio 1977), *aff'd*, 615 F.2d 728 (6th Cir. 1980). |
| (585) | Privacy Act | *Maher* v. *Bureau of Prisons*, No. EP-78-CA14, No. EP-78-CA-6 (W.D. Tex. 1980). |
| (586) | (b)(5), (b)(7)(C) | *Mallin* v. *NLRB*, No. 78-C-1753 (N.D. Ill. 1979). |
| (587) | (b)(2), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E) | *Malloy* v. *United States Dept. of Justice*, 457 F. Supp. 543 (D.D.C. 1978). |
| (588) | (b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D) | *Marathon Le Tourneau Co., Marine Division* v. *NLRB*, 414 F. Supp. 1074 (S.D. Miss. 1976). |
| (589) | Privacy Act | *Marchiondo* v. *Traub*, No. 12740 (N.M. 1979). |
| (590) | (a)(4)(E), (b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D) | *Maremont Corp.* v. *NLRB*, 91 L.R.R.M. 2645 (W.D. Okla. 1976), *rev'd*, No. 76-1402 (10th Cir. 1976). |
| (591) | Promise of confidentiality | *Marinette Marine Corp.* v. *United States*, 546 F.2d 365 (Ct. Cl. 1976). |
| (592) | (b)(1), (b)(3), 50 U.S.C. § 403(d)(3), 403(g), (b)(7), *de novo* review | *Marks* v. *C.I.A.*, 426 F. Supp. 708 (D.D.C. 1976), *remanded*, 590 F.2d 997 (D.C. Cir. 1978). |
| (593) | (b)(1), agency records, Executive Order 12065 | *Marks* v. *Turner*, No. 77-1108 (D.D.C. 1980). |

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| (594) | Duty to search | *Marks* v. *United States Dept. of Justice* 578 F.2d 261 (9th Cir. 1978). |
| (595) | (b)(1), (b)(2), (b)(7)(C), (b)(7)(D), (b)(7)(F), *in camera* inspection | *Maroscia* v. *Levi*, 569 F.2d 1000 (7th Cir. 1977). |
| (596) | (a)(4)(E), (a)(6)(A), attorneys fees, exhaustion of administrative remedies | *Marschner* v. *Dept. of State*, 470 F. Supp. 196 (D. Conn. 1979). |
| (597) | (b)(6), (b)(7)(C), (b)(7)(D) | *Martin* v. *Dept. of the Army*, No. 79-1738 (D.D.C. 1979). |
| (598) | (b)(4), (b)(5), equitable discretion | *Martin Marietta Aluminum, Inc.* v. *G.S.A.*, 444 F. Supp. 945 (C.D. Cal. 1977). |
| (599) | Discretionary release | *Martin Marietta Corp.* v. *F.T.C.*, 475 F. Supp. 338 (D.D.C. 1979), *aff'd*, __ F. 2d __ (D.C. Cir. 1980) (No. 79-1781). |
| (600) | Fees (search and duplication) | *Mason* v. *Bell*, No. 78-719-A (E.D. Va. 1979). |
| (601) | (b)(3), I.R.C. § 6103, 7213, records (unintelligible) | *Mason* v. *Gallaway*, 554 F.2d 129 (4th Cir. 1977), *cert. denied*, 437 U.S. 877 (1977), *reh. denied*, 434 U.S. 935 (1977). |
| (602) | Exhaustion of administrative remedies | *Matthews* v. *United States*, No. B-79-426 (D. Conn. 1979). |
| (603) | Exhaustion of administrative remedies, fees-waiver | *Matthews* v. *Webster*, No. 78-1217-Civ.-SMA (S.D. Fla. 1978). |
| (604) | Adequacy of request, agency, duty to search | *Mattingly* v. *C.I.A.*, No. 76-C-3684 (N.D. Ill. 1977). |
| (605) | Attorneys fees | *Maxwell Broadcasting Corp.* v. *F.B.I.*, No. CA 3-75-0318-F (N.D. Tex. 1980). |
| (606) | (a)(4)(E), (b)(7)(C), (b)(7)(D), (b)(7)(E) | *May* v. *Dept. of Justice*, No. 77-264 SD (D. Me. 1978). |
| (607) | Attorneys fees | *MCA, Inc.* v. *I.R.S.*, 434 F. Supp. 212 (C.D. Cal. 1977). |
| (608) | (b)(5), FOIA as a discovery tool | *McClelland* v. *Andrus*, 606 F.2d 1278 (D.C. Cir. 1979). |
| (609) | (b)(3), Rule 6(e) Fed.R.Crim.P., (b)(7)(D), *Vaughn* index | *McCloskey* v. *Dept. of Justice*, No. 77-470 (D.D.C. 1978). |
| (610) | (b)(4) | *McCoy* v. *Weinberger*, 386 F. Supp. 504 (W.D. Ky. 1974). |

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| (611) | **Summary judgement** | *McCray* v. *F.B.I.*, No. 78-0367 (D.D.C. 1979). |
| (612) | (a)(2)(C) | *McDonald* v. *General Mills, Inc.*, 387 F. Supp. (E.D. Cal. 1974). |
| (613) | (b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D) | *McDonnell Douglas Corp.* v. *NLRB*, 92 L.R.R.M. 2072 (C.D. Cal. 1976). |
| (614) | Privacy Act | *McElrath* v. *Califano*, 615 F.2d 434 (7th Cir. 1980). |
| (615) | (b)(2), (b)(5), (b)(7) | *McIntyre* v. *Warner*, No. 1350-73 (D.D.C. 1974). |
| (616) | Privacy Act, (b)(6) | *McNeal* v. *Dept. of Justice*, No. 6-70890 (E.D. Mich. 1976). |
| (617) | (b)(5), *in camera* inspection, reasonably segregable, records, *Vaughn* index | *Mead Data Central, Inc.* v. *Department of the Air Force*, 402 F. Supp. 460 (D.D.C. 1975), *remanded*, 566 F.2d 242 (D.C. Cir. 1977), *aff'd*, 575 F.2d 932 (D.C. Cir. 1978). |
| (618) | (b)(3), adequacy of request, *Vaughn* index | *Medoff* v. *Central Intelligence Agency*, No. 78-733 (D.N.J. 1978). |
| (619) | Privacy Act | *Meisch* v. *United States Army*, 435 F. Supp. 341 (E.D. Mo. 1977), *aff'd*, 566 F.2d 1178 (8th Cir. 1977). |
| (620) | (b)(2), (b)(5), (b)(7)(C), (b)(7)(D) | *Meisler* v. *United States Dept. of Justice*, No. 75-417 (W.D.N.Y. 1977). |
| (621) | FOIA as a discovery tool, injunction of agency proceeding pending resolution of FOIA claim | *Mercy Hospital, Iowa City, Iowa* v. *NLRB*, 449 F. Supp. 594 (S.D. Iowa 1978). |
| (622) | (a)(1)(D), (a)(2)(B), (b)(2), (b)(5), prompt disclosure | *Merrill* v. *Federal Open Market Committee*, 413 F. Supp. 494 (D.D.C. 1976), *aff'd*, 565 F.2d 778 (D.C. Cir. 1977), *vacated*, *sub nom.*, *Federal Open Market Committee* v. *Merrill*, 443 U.S. 340 (1979). |
| (623) | (b)(7)(A), (b)(7)(C) | *Merrill Lynch, Pierce, Fenner & Smith, Inc.* v. *S.E.C.*, 39 Ad. L.2d (P & F) 354 D.D.C. 1976). |
| (624) | Privacy Act | *Mervin* v. *Bonfanti*, 410 F. Supp. 1205 (D.D.C. 1976). |
| (625) | (b)(5) | *Mervin* v. *Federal Trade Commission*, 591 F.2d 821 (D.C. Cir. 1978). |

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| (626) | Reverse FOIA case, (b)(3), 42 U.S.C. § 2000(e)-8e, 44 U.S.C. § 3508, 18 U.S.C. § 1905, (b)(4), (b)(6), (b)(7), discreationary release | Metropolitian Life Insurance Co. v. Usery, 426 F. Supp. 150 (D.D.C. 1976). |
| (627) | (b)(1), (b)(3), 50 U.S.C. § 403, in camera inspection | Military Audit Project v. Bush, 418 F. Supp. 876 (D.D.C. 1976), in camera inspection, 418 F. Supp. 880 (D.D.C. 1976), motion to require service denied, No. 75-2037 (D.C. Cir. 1977). |
| (628) | (b)(1), (b)(3), Executive Order 12065, 50 U.S.C. § 403 | Military Audit Project v. Colby, No. 75-2103 (D.D.C. 1979). |
| (629) | (b)(4), (b)(5) | Miltary Audit Project v. Kettles, No. 75-666 (D.D.C. 1976). |
| (630) | (b)(5) | Miller v. Smith, 292 F. Supp. 55 (S.D.N.Y. 1968). |
| (631) | (a)(4)(E), (a)(4)(F), (b)(7)(C), (b)(7)(D), adequacy of request, attorneys fees | Miller v. Webster, 483 F. Supp. 883 (N.D. Ill. 1979). |
| (632) | Privacy Act, fees-waiver | Mills v. McCreight, No. 78-2168 (D.D.C. 1979). |
| (633) | (b)(5) | Mims v. United States, No. 8935 Civil (D.N.M. 1971). |
| (634) | (b)(1), (b)(5) | Mink v. E.P.A., 464 F.2d 742 (D.C. Cir. 1972), rev'd, 410 U.S. 73 (1973). |
| (635) | Attorneys fees | Minnesota Mining and Manufacturing Co. v. G.S.A., No. 77-306 (D.D.C. 1977). |
| (636) | (b)(3), 35 U.S.C. § 122, attorneys fees, leaks | Misegades, Douglas & Levy v. Sonneberg, 76 F.R.D. 384 (E.D. Va. 1976), attys fees, No. 76-481A (E.D. Va. 1977). |
| (637) | (b)(3), (b)(4), (b)(5) | Misegades & Douglas v. Schuyler, 328 F. Supp. 619 (E.D. Va. 1971), dismissed, 456 F.2d 255 (4th Cir. 1972). |
| (638) | (b)(5) | Missouri Portland Cement Co. v. F.T.C., Trade Cas. (CCH) ¶ 74,124, 74,279 (D.D.C. 1972). |
| (639) | Discovery in FOIA | Mitchell v. I.R.S., 1 Gov't. Disclosure (P-H) ¶ 80,103 (W.D. Okla. 1980). |

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| (640) | (a)(6)(C) | *Mitsubishi Electric Corp.* v. *Dept. of Justice*, 39 Ad. L.2d (P & F) 1133 (D.D.C. 1976). |
| (641) | (b)(4), (b)(7)(A), (b)(7)(D) | *Mitsubishi Electric Corp.* v. *Dept. of Justice*, No. 76-0813 (D.D.C. 1977). |
| (642) | (b)(3), (b)(4), (b)(5), (b)(7), (b)(7)(A), (b)(7)(D), informer's privilege, *Vaughn* index | *Mobil Oil Corp.* v. *F.T.C.*, 406 F. Supp. 305 (S.D.N.Y. 1976), *on rehearing*, 430 F. Supp. 849 (S.D.N.Y. 1977). |
| (643) | (b)(5), (b)(7)(D), attorney work-product, *Vaughn* index | *Mobile Oil Corp.* v. *F.T.C.*, No. 74 Civ. 311 (S.D.N.Y. 1978), *subsequent decision*, 74 Civ. 311 (MEL) (S.D.N.Y. 1979). |
| (644) | Attorneys fees | *Mobley* v. *I.R.S.*, No. C-77-1693-WWS (N.D. Cal. 1978). |
| (645) | (b)(5) | *Montrose Chemical Corp.* v. *Train*, 491 F.2d 63 (D.C. Cir. 1974). |
| (646) | (b)(3), 26 U.S.C. § 6103, (b)(5), (b)(7)(C), (b)(7)(D), summary judgement | *Moody* v. *I.R.S.*, No. 77-1825 (D.D.C. 1980). |
| (647) | (b)(7) | *Moore-McCormack Line, Inc.* v. *I.T.O. Corp. of Baltimore*, 508 F.2d 945 (4th Cir. 1974). |
| (648) | (b)(7)(A) | *Moorfield* v. *United States Secret Serv.*, 611 F.2d 1021 (5th Cir. 1980). |
| (649) | Exhaustion of administrative remedies | *Morpurgo* v. *Board of Higher Ed.*, 423 F. Supp. 704 (S.D.N.Y. 1976). |
| (650) | (a)(1)(D) | *Morton* v. *Ruiz*, 415 U.S. 199 (1974). |
| (651) | (b)(2), (b)(5), *in camera* inspection | *Morton-Norwich Products, Inc.* v. *Mathews*, 415 F. Supp. 78 (D.D.C. 1976). |
| (652) | Exhaustion of administrative remedies, failure to meet limits | *Moskowitz* v. *Kelley*, No. 77-C-705 (E.D.N.Y. 1977). |
| (653) | (b)(1) | *Moss* v. *Laird*, No. 1254-71 (D.D.C. 1971). |
| (654) | (b)(3), Rule 6(e) Fed.R.Crim.P., (b)(7)(A) | *Murphy* v. *F.B.I.*, No. 80-0518 (D.D.C. 1980). |

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| (655) | **Discreationary release, waiver of exemtion (administrative release), release to congress** | Murphy v. Dept. of the Army, 613 F.2d 1151 (D.C. Cir. 1979). |
| (656) | (b)(3), Rule 6(e) Fed.R.Crim.P., (b)(7)(A), discovery in FOIA, Glomar denial, Vaughn index | Murphy v. F.B.I., No. 80-0518 (D.D.C. 1980). |
| (657) | (b)(7)(A), (b)(7)(C), (b)(7)(D), FOIA as a discovery tool | Mylan Pharmaceuticals, Inc. v. NLRB, Region 6, 407 F. Supp. 1124 (W.D. Pa. 1976). |
| (658) | Jurisdiction | Nachbaur v. NLRB, No. 76-6172 (S.D.N.Y 1977), dismissed, 559 F.2d 1204 (2d Cir. 1977). |
| (659) | FACA, b(5) | Nader v. Dunlop, 370 F. Supp. 177 (D.D.C. 1973). |
| (660) | (b)(3), 49 U.S.C. § 1472, 1504, in camera inspection | National Airlines v. C.A.B., No. 75-613 (D.D.C. 1975). |
| (661) | (a)(1), (a)(2), publication | National Ass'n. of Con. Vets v. Secretary of Defense, 487 F. Supp. 192 (D.D.C. 1979). |
| (662) | (b)(3), 5 U.S.C. § 8092, (b)(4), burden of proof, summary judgement | National Ass'n. of Gov't. Emp. v. Hampton, No. 76-1041 (D.D.C. 1976), aff'd in part and rev'd in part sub nom., National Ass'n. of Gov't. Emp. v. Campbell, 593 F.2d 1023 (D.C. Cir. 1978), subsequent decision, (D.D.C. 1980). |
| (663) | (b)(5), (b)(6) | National Ass'n. of Postal Supervisors, Branch No. 127 v. U.S. Postal Ser., No. C-77-2188-CBR (N.D. Cal. 1978), aff'd, ___F.2d___ (9th Cir. 1980), (No. 78-3245). |
| (664) | (b)(4), (b)(5), records (unintelligable) | National Cable Television Association v. F.C.C., 479 F.2d 183 (D.C. Cir. 1973). |
| (665) | (b)(1), (b)(3), 50 U.S.C. § 403(d)(3), 403(g) | National Commission on Law Enforcement and Social Justice v. C.I.A., No. CV-75 3644 MML (C.D. Cal. 1976), aff'd, 576 F.2d 1373 (9th Cir. 1978). |
| (666) | (a)(1), publication | National Conservative Political Action Committee v. Federal Election Commission, No. 78-1543 (D.D.C. 1980). |
| (667) | (b)(5) | National Courier Association v. Board of Governors of the Federal Reserve, 516 F.2d 1229 (D.C. Cir. 1975). |

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| (668) | (b)(7)(A) | NLRB v. Biophysics Systems, Inc., 91 L.R.R.M. 3079 (S.D.N.Y. 1976). |
| (669) | (b)(7)(A), (b)(7)(C), (b)(7)(D), injunction of agency proceeding pending, resolution of FOIA claim | NLRB v. Hardeman Garment Corp., 406 F. Supp. 510 (W.D. Tenn. 1976), motion to stay agency proceeding, 91 L.R.R.M. 2425 (W.D. Tenn. 1976), rev'd, 557 F.2d 559 (6th Cir. 1977). |
| (670) | (b)(6), (b)(7)(A), summary judgement | NLRB v. Martins Ferry Hospital Assoc. No. C-2-78-529 (S.D. Ohio 1979), subsequent decision, Nos. C-2-78-785, C-2-78-529 & C-2-78-960 (S.D. Ohio 1979). |
| (671) | (b)(5) | National Nutritional Foods Assoc. v. Mathews, 418 F. Supp. 394 (S.D.N.Y. 1976). |
| (672) | (b)(3), 18 U.S.C. § 1905, (b)(4), (b)(6), burden of proof | National Parks and Conservation Assoc. v. Morton, 351 F. Supp. 404 (D.D.C. 1972), rev'd and remanded, 498 F.2d 765 (D.C. Cir. 1974), on remand, No. 436-72 (D.D.C. 1975), aff'd in part and rev'd in part sub nom., National Parks and Conservation Assoc. v. Kleppe, 547 F.2d 673 (D.C. Cir. 1976). |
| (673) | FOIA as a discovery tool | National Presto Industries, Inc. v. United States, No. 301-76 (Ct. Cl. 1978). |
| (674) | (a)(2) | National Prison Project v. Bureau of Prisons, No. 78-0216 (D.D.C. 1979). |
| (675) | (a)(2)(A) | National Prison Project of the ACLU Foundation, Inc. v. Sigler, 390 F. Supp. 789 (D.D.C. 1975). |
| (676) | (b)(7)(A) | National Public Radio v. Bell, 431 F. Supp. 509 (D.D.C. 1977). |
| (677) | (b)(5), agency records | National Resources Defense Council v. Nuclear Regulatory Commission, No. 76-0592 (D.D.C. 1977). |
| (678) | Injunction of agency proceeding pending resolution of FOIA claim | Nat'l Steel Products Co. v. NLRB, No. C78-293A (N.D. Ga. 1978). |
| (679) | Sunshine Act | National Retired Teachers Ass'n v. U.S. Postal Service, 593 F.2d 1360 (D.D. Cir. 1979). |
| (680) | (b)(6) | Nat'l Treasury Employees Union v. Action, No. 78-1431 (D.D.C. 1979). |
| (681) | (b)(6) | Nat'l Treasury Employees Union v. Dept. of Treasury, No. 77-465 (D.D.C. 1978). |
| (682) | (a)(2)(C), (b)(2) | Nat'l Treasury Employees v. I.R.S., 487 F. Supp. 1321 (D.D.C. 1980). |

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| (683) | (a)(4)(E), attorneys fees | Nationwide Building Maintenance, Inc. v. Sampson, 559 F.2d 704, (D.C. Cir. 1977). |
| (684) | Reverse FOIA case, (b)(3), 42 U.S.C. § 2000, (b)(5), (b)(6), (b)(7) | Nationwide Mutual Insurance Co. v. Friedman, 451 F. Supp. 736 (D. Md. 1978). |
| (685) | Reverse FOIA case, (b)(3), 18 U.S.C. § 1905, (b)(4) | Neal-Cooper Grain Co. v. Kissinger, 385 F. Supp. 769 (D.D.C. 1974). |
| (686) | (b)(7)(A) | Nebraska Bulk Transportation, Inc. v. NLRB, No. CV-78-L-5 (D. Neb., 1978). |
| (687) | (b)(7)(A), (b)(7)(D) | Nemacolin Mines Corp. v. NLRB, 467 F. Supp. 521 (W.D. Pa. 1979). |
| (688) | (b)(4), (b)(6), (b)(7)(C), proper party defendant | Nemetz v. Dept. of Treasury, 446 F. Supp. 102 (N.D. Ill. 1978). |
| (689) | (b)(7)(A), exhausttion of administrative remedies | New England Medical Hospital Center v. NLRB, 548 F.2d 377 (1st Cir. 1976). |
| (690) | (b)(5) | New Mexico ex rel. Reynolds v. Kleppe, No. 75-684-M (D.N.M. 1976). |
| (691) | Privacy Act | Nichols v. Mears, No. S-76-633 PCW (E.D. Cal. 1979). |
| (692) | Records | Nichols v. United States, 325 F. Supp. 130 (D. Kan. 1971), aff'd, 460 F.2d 671 (10th Cir. 1972), cert. denied, 409 U.S. 966 (1972). |
| (693) | (a)(2)(A) | Nicholson v. Brown, 599 F.2d 639 (5th Cir. 1979). |
| (694) | (a)(2)(A), (b)(5), attorney work-product | Niemeir v. Watergate Special Prosecution Force, 420 F. Supp. 794 (N.D. Ill. 1976), rev'd and remanded, 565 F.2d 967 (7th Cir. 1977). |
| (695) | (b)(2), (b)(7)(C), (b)(7)(D), attorneys fees | Nix v. United States of America, 572 F.2d 998 (4th Cir. 1978). |
| (696) | (b)(1), (b)(3), 44 U.S.C. § 2101 et seq., agency, agency records, attorney fees, case or controversy, mootness | Nixon v. Sampson, 389 F. Supp. 107 (D.D.C. 1975), (consolidated decision in Nos. 74-1518, 74-1533, & 74-1551), order stayed sub nom., Nixon v. Richey, 513 F.2d 427 (D.C. Cir. 1975), on reconsideration, 513 F.2d 430 (D.C. Cir. 1975), actions dismissed as moot, 437 F. Supp. 654 (D.D.C. 1977), rev'd sub nom., Reporters Committee for Freedom of the Press v. Sampson, 591 F.2d 944 (D.D. Cir. 1978), on remand, ___ F. Supp. __ (D.D.C. 1980). |

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| (697) | (a)(2) | Nolen v. Rumsfeld, 535 F.2d 890 (5th Cir. 1976), cert. denied, 429 U.S. 1104 (1977). |
| (698) | (a)(1) | North American Van Lines, Inc. v. United States, 412 F. Supp. 782 (N.D. Ind. 1976). |
| (699) | (b)(5), discreastionary release | North Dakota v. Dept. of the Interior, No. A-77-1041 (D.N.D. 1977), rev'd sub nom., North Dakota v. Andrus, 581 F.2d 177 (8th Cir. 1978). |
| (700) | (a)(1)(B), (a)(1)(C) | Northern California Power Agency v. Morton, 396 F. Supp. 1187 (D.D.C. 1975), aff'd, 539 F.2d 243 (D.C. Cir. 1976), sub nom., Northern Calif. Power v. Kleppe. |
| (701) | Reverse FOIA case, 18 U.S.C. § 1905, nexus test | Northern Television, Inc. v. F.C.C., No. 79-3468 (D.D.C. 1980). |
| (702) | (b)(5), (b)(7)(A) | O'Donnell v. Dept. of Justice, 1 Gov't. Disclosure (P-H) ¶ 80,058 (D.D.C. 1980). |
| (703) | Exhaustion of administrative remedies | OKC Corp. v. Williams, 461 F. Supp. 540 (N.D. Tex. 1978). |
| (704) | (b)(5), (b)(6) | Ollestad v. Kelly, No. CV-74-2486-LTL (C.D. Cal. 1975), aff'd in part and rev'd in part, 573 F.2d 1109 (9th Cir. 1978). |
| (705) | (b)(2), (b)(7)(C), (b)(7)(D) | Olom v. F.B.I., No. 76-M-1078 (D. Colo. 1977). |
| (706) | (a)(1)(B), (a)(1)(D), (a)(1)(E), (b)(2) | Onweiler v. United States, 432 F. Supp. 1226 (D. Idaho 1977). |
| (707) | (a)(6)(A), (a)(6)(C), failure to meet time limits | Open America v. Watergate Special Prosecution Force, 547 F.2d 605 (D.C. Cir. 1976). |
| (708) | (b)(5) | Orange County Vegetable Improvement Co-op Assoc. v. Dept. of Agriculture, No. 75-842 (D.D.C. 1975). |
| (709) | (b)(4), (b)(5), adequacy of agency affidavit, burden of proof | Orion Research, Inc. v. Environmental Protection Agency, No. 75-5071-F (D. Mass. 1979), aff'd, 615 F.2d 551 (1st Cir. 1980). |
| (710) | (b)(2), (b)(7)(C), (b)(7)(D), (b)(7)(E) | Ott v. Levi, 419 F. Supp. 750 (E.D. Mo. 1976). |
| (711) | Records | Owens v. U.S. Bureau of Prisons, 379 F. Supp. 547 (D.D.C. 1974), vacated 509 F.2d 537 (D.C. Cir. 1975). |

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| (712) | Privacy Act, (b)(1), (b)(7)(C), (b)(7)(d), attorneys fees, in camera inspection, exhaustion of administrative remedies | Pacheo v. F.B.I., 470 F. Supp. 1091 (D.P.R. 1979). |
| (713) | (b)(4), (b)(5) | Pacific Architects and Engineers, Inc. v. Renegotiation Board, 505 F.2d 383 (D.C. Cir. 1974). |
| (714) | (b)(5), (b)(6), (b)(7)(A), (b)(7)(C), (b)(7)(D) | Pacific Molasses Co. v. NLRB 577 F.2d 1172 (5th Cir. 1978), 95 L.R.R.M. 2638 (E.D. La. 1977). |
| (715) | (b)(7)(A) | Pacific Photo Type, Inc. v. NLRB, 92 L.R.R.M. 2560 (D. Hawaii 1976). |
| (716) | (b)(3), 5 U.S.C § 552(a), Privacy Act | Painter v. F.B.I., No. C78-682A (N.D. Ga. 1979), rev'd in part, 615 F.2d 689 (5th Cir. 1980). |
| (717) | (b)(3), 42 U.S.C. § 2000e | Parker v. E.E.O.C., No. 74-1262 (D.D.C. 1975), aff'd, 534 F.2d 977 (D.C. Cir. 1976). |
| (718) | (b)(5), FOIA as a discovery tool | Parke, Davis & Co. v. Califano, ___ F.2d ___ (6th Cir. 1980) (No. 78-1140). |
| (719) | Reverse FOIA case, 18 U.S.C. § 1905, nexus test (42 U.S.C. § 1306(a)) | Parkridge Hospital v. Blue Cross and Blue Shield, 430 F. Supp. 1030 (E.D. Tenn. 1977), vacated sub nom., Parkridge Hospital v. Califano, 1 Gov't. Disclosure (P-H) ¶ 80,102 (6th Cir. 1980). |
| (720) | Privacy Act | Parks v. I.R.S., 618 F.2d 677 (10th Cir. 1980). |
| (721) | (a)(1), (b)(2) | Pasco, Inc. v. F.E.A., 525 F.2d 1391 (Temp. Emer. Ct. App. 1975). |
| (722) | (b)(5) | Pass v. Dept. of the Air Force, No. 1-76-118 (D. Tenn. 1976). |
| (723) | Fees-waiver | Patterson v. Bureau of Prisons, 1 Gov't. Disclosure (P-H) ¶ 79,141 (W.D. Okla. 1979). |
| (724) | Records (unintelligible | Patterson v. Drug Enforcement Administration, No. 78-0035 (D.D.C. 1978). |
| (725) | Adequacy of request | Peck v. F.B.I., 1 Gov't. Disclosure (P-H) ¶ 79,168 (N.D. Ohio 1979). |
| (726) | (b)(1), Executive Order 12065 | Pennington v. Dept. of State, 78-2240 (D.D.C. 1979). |
| (727) | Reverse FOIA case, (b)(4), (b)(9), discreationary release | Pennzoil Co. v. F.P.C., 534 F.2d 627 (5th Cir. 1976). |

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| (728) | (b)(3), 42 U.S.C. § 1306 | *People of the State of California v. Richardson*, 351 F. Supp. 733 (N.D. Cal. 1972), *aff'd sub nom.*, *People of the State of California v. Weinberger*, 505 F.2d 767 (9th Cir. 1974). |
| (729) | Injunction of agency proceeding pending resolution of FOIA claim | *Pepsi Cola Bottling Co.* v. *NLRB*, 92 L.R.R.M. 3527 (D. Kan. 1976). |
| (730) | Reverse FOIA case, records, 18 U.S.C. § 1905 | *Permian Corp.* v. *United States*, 1 Gov't. Disclosure (P-H) ¶ 80,121. (D.D.C. 1980). |
| (731) | (b)(4), promise of confidentiality | *Petkas* v. *Staats*, 364 F. Supp. 680 (D.D.C. 1973), *rev'd and remanded*, 501 F.2d 887 (D.C. Cir. 1974). |
| (732) | Reverse FOIA case, (b)(4), 21 U.S.C. § 331(j), 18 U.S.C. § 1805 | *Pharmaceutical Manufacturers Assn.* v. *Weinberger*, 411 F. Supp. 576 (D.D.C. 1976). |
| (733) | (b)(6), (b)(7)(C), (b)(7)(D) | *Philadelphia Newspaper, Inc.* v. *Dept. of Justice*, 405 F. Supp. 8 (E.D. Pa. 1975). |
| (734) | (b)(5), (b)(7) | *Philadelphia Newspaper, Inc.* v. *H.U.D.*, 343 F. Supp. 1176 (E.D. Pa. 1972). |
| (735) | (b)(1), (b)(3), (b)(5), (b)(6), adequacy of agency affidavit, Glomar denial, *in camera* inspection, proper party defendant, waiver of exemption (administrative release) | *Phillippi* v. *Central Intelligence Agency*, No. 75-1265 (D.D.C. 1975), *rev'd*, 546 F.2d 1009 (D.C. Cir. 1976), *on remand*, No. 75-1265 (D.D.C. 1980). |
| (736) | (b)(2), (b)(7)(A), (b)(7)(C), (b)(7)(D), (b)(7)(F), *in camera* inspection, investigatory records | *Picard* v. *Dept. of Justice*, No. 78-2084 (D.D.C. 1979). |
| (737) | (b)(2), (b)(7)(C) | *Piccolo* v. *Drug Enforcement Administration*, No. 78-2103 (D.D.C. 1979). |
| (738) | (b)(7)(C), (b)(7)(D) | *Piccolo* v. *F.B.I.*, No. 78-1517 (D.D.C. 1979). |
| (739) | No entries for topical index | *Piccolo* v. *U.S. Dept. of Justice*, No. 78-1518 (D.D.C. 1979). |
| (740) | Reverse FOIA case, (b)(3), 15 U.S.C. § 2055(b)(1), (b)(4), (b)(5) | *Pierce & Stevans Chemical Corp. v. United States*, 439 F. Supp. 247 (W.D.N.Y. 1977), *rev'd*, 585 F.2d 1382 (2d Cir. 1978). |

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| (741) | (b)(5) | Pies v. I.R.S., 484 F. Supp. 930 (D.D.C. 1979). |
| (742) | (b)(5), (b)(7) | Pilar v. S.S. Hess Patrol, 55 F.R.D. 159 (D. Md. 1972). |
| (743) | (b)(2), (b)(5) | Pitman v. Dept. of Interior, No. 76-F-1022 (D. Colo. 1977). |
| (744) | (b)(6) | Plain Dealer Pub. v. U.S. Dept. of Labor, 471 F. Supp. 1023 (D.D.C. 1979). |
| (745) | Reverse FOIA case, (b)(4) | Planning Research Corp. v. F.P.C., 555 F.2d 970 (D.C. Cir. 1977). |
| (746) | (b)(3), 18 U.S.C § 1905, FOIA as a discovery tool | Pleasant Hill Bank v. United States, 58 F.R.D. 97 (W.D. Mo. 1973). |
| (747) | (b)(7)(A), attorneys fees | Polynesian Cultural Ctr., Inc. v. NLRB, 600 F.2d 1327 (9th Cir. 1979). |
| (748) | (b)(2), (b)(5) | Polymers, Inc. v. NLRB, 414 F.2d 999 (2d Cir. 1969), cert. denied, 396 U.S. 1010 (1970). |
| (749) | (b)(4) | Ponce v. Housing Authority, 389 F. Supp. 635 (E.D. Cal. 1975). |
| (750) | (a)(4)(E), (b)(5), attorneys fees, attorney work-product | Pope v. United States, 459 F. Supp. 426 (S.D. Tex. 1977), aff'd, 585 F.2d 802 (5th cir. 1978), rev'd in part, 599 F.2d 1383 (5th Cir. 1979). Also reported at 424 F. Supp. 962 (S.D. Tex. 1977). |
| (751) | (b)(4), (b)(5), agency records (personal records not agency records) | Porter County Chapter of Isaak Walton League v. A.E.C., 380 F. Supp. 630 (N.D. Ind. 1974). |
| (752) | (b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D), (b)(7)(E) | Poss v. NLRB, 91 L.R.R.M. 2232 (D. Colo. 1975), aff'd, 565 F.2d 654 (10th Cir. 1977). |
| (753) | (b)(6) | P.P.G. Ind. v. NLRB, 99 L.R.R.M. 3397 (W.D. Pa. 1978). |
| (754) | (b)(7) | Preferred Land Corp. v. S.E.C., Fed. Sec. L. Rep. (CCH) ¶ 94,555 (D.D.C. 1975). |
| (755) | (b)(7)(A), (b)(7)(C), (b)(7)(D), exhaustion of administrative remedies, venue | Proctor & Gamble Manufacturing Co. v. NLRB, No. CA-3-78-0149 (N.D. Tex. 1978). |
| (756) | Injunction of agency proceeding pending resolution of FOIA claim | Production Molded Plastics, Inc. v. NLRB, 408 F. Supp. 937 (N.D. Ohio 1976). |
| (757) | Adequacy of request | Profit v. Landreau, No. H-79-466 (D. Conn. 1980). |

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| (758) | (b)(6), (b)(7)(C), (b)(7)(F) | Providence Journal v. F.B.I., 602 F.2d 1010 (1st Cir. 1979), stay of district court order granted, 595 F.2d 889 (1st Cir. 1979). |
| (759) | Privacy Act | Pruett v. Levi, No. 78-1089 (6th Cir. 1980). |
| (760) | Reverse FOIA case, (b)(3), 18 U.S.C. § 1905 | Psychiatric Institute of Washington, D.C., Inc. v. Group Hospitalization, ___ F.2d ___ (D.C. Cir. 1980)(No. 78-1645). |
| (761) | (b)(3), (b)(5), (b)(6), agency | Public Citizen Health Research Group v. H.E.W., 449 F. Supp. 937 (D.D.C. 1978), subsequent decision, 477 F. Supp. 595 (D.D.C. 1979). |
| (762) | (b)(6), attorneys fees, duty to search | Public Citizen Health Research Group v. U.S. Dept. of Labor, No. 76-887 (D.D.C. 1977), motion for in camera inspection, (D.D.C 1979), attys fees, (D.D.C. 1979). |
| (763) | Agency, agency records | Putney v. The White House Office, No. 78-502 Civ-T-H (M.D. Fla. 1980). |
| (764) | Privacy Act | R.R. v. Dept. of the Army, 482 F. Supp. 770 (D.D.C. 1980). |
| (765) | (b)(4), (b)(5), (b)(6), executive privilege | Rabbitt v. Dept. of the Air Force, 383 F. Supp. 1065 (S.D.N.Y. 1974) on motion for reconsideration, 401 F. Supp. 1206 (S.D.N.Y. 1974). |
| (766) | 18 U.S.C. § 1905 | Radioptics, Inc. v. United States, No. 369-75 (Ct. Cl. 1980). |
| (767) | (b)(6) | Radosh v. Central Intelligence Agency, No. 75 Civ. 3371 (S.D.N.Y. 1978). |
| (768) | (b)(7)(C), duty to search, exhaustion of administrative remedies | Rafter v. F.B.I., No. 77-Civ. 1131 (S.D.N.Y. 1977). |
| (769) | (a)(1)(D), (a)(2)(B), publication | Ramer v. Saxbe, 522 F.2d 695 (D.C. Cir. 1975). |
| (770) | (b)(7)(C), (b)(7)D), burden of proof, duty to search, investigatory records | Ramo v. U.S. Dept. of the Navy, 489 F. Supp. 127 (N.D. Cal. 1979). |
| (771) | (b)(1) | Raven v. Panama Canal Co., 583 R.2d 169 (5th Cir. 1978), cert. denied, 99 S.Ct. 1787 (1979). |
| (772) | (b)(1), (b)(3), 50 U.S.C. § 403, *in camera* inspection | Ray v. Bush, 41 Ad. L.2d (P & F) 28 (D.D.C. 1977). |

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| (773) | (b)(1), (b)(3), (b)(6), adequacy of agency affidavit, *de novo* review, *in camera* inspection, *Vaughn* index | *Ray* v. *Turner*, 587 F.2d 1187 (D.C. Cir. 1978), 468 F. Supp. 730 (D.D.C. 1979). |
| (774) | (b)(5), (b)(7) | *Rayner & Stonington, Inc.* v. *F.D.A.*, No. 68-1995 (E.D. Pa. 1969). |
| (775) | (b)(7)(A), injunction of agency proceeding pending resolution of FOIA claim | *Read's Inc.* v. *NLRB*, 91 L.R.R.M. 2722 (D. Md. 1976). |
| (776) | (b)(7)(A) | *Red Food Stores, Inc.* v. *NLRB*, 604 F.2d 324 (5th Cir. 1979). |
| (777) | Equitable discretion | *Register Publishing Co., Inc.* v. *NLRB*, No. 78-0036 (W.D. Va. 1978). |
| (778) | (b)(5) | *Regular Common Carrier Conf., Inc.* v. *I.C.C.*, No. 79-1678 (D.D.C. 1979). |
| (779) | Fees (search and duplication | *Reinoehl* v. *Hershey*, 426 F.2d 815 (9th Cir. 1970). |
| (780) | 44 U.S.C. § 2107 | *Reporters Committee for Freedom of the Press* v. *Sampson*, 591 F.2d 944 (D.C. Cir. 1978). |
| (781) | Agency, agency records, agency records (personal records not agency records), withholding | *Reporters Committee for Freedom of the Press* v. *Vance*, 442 F. Supp. 383 (D.D.C. 1977), *aff'd*, 589 F.2d 1116 (D.C. Cir. 1978), *aff'd, in part and rev'd in part sub nom.*, *Kissinger* v. *Reporters Committee*, ___ U.S. ___ (1980). |
| (782) | (b)(3), 47 U.S.C. § 605 | *Reston* v. *F.C.C.*, No. 79-2476 (D.D.C. 1980). |
| (783) | (a)(4)(E), (b)(5), (b)(7)(C), attorneys fees, *in camera* inspection | *Retail Credit Co.* v. *F.T.C.*, No. 75-0895 (D.D.C. 1976), *attys fees*, 39 Ad. L.2d (P & F) 1016 (D.D.C. 1976). |
| (784) | (a)(1) | *Reynolds Metal Co.* v. *Rumsfeld*, 417 F. Supp. 365 (E.D. Va.), *aff'd in part and rev'd in part*, 564 F.2d (4th Cir. 1977), *cert. denied*, 435 U.S. 995 (1978). |
| (785) | (b)(1), (b)(3), 50 U.S.C. § 403, Executive Order 11652 | *Richardson* v. *Spahr*, 416 F. Supp. 752 (W.D. Pa. 1976), *aff'd*, 547 F.2d 1163 (3d Cir. 1976), *cert. denied*, 434 U.S. 830 (1977). |
| (786) | Exhaustion of administrative remedies | *Rivera* v. *Ford*, 440 F. Supp. 732 (D.P.R. 1977). |
| (787) | Fees-waiver, improper withholding | *Rizzo* v. *Tyler*, 438 F. Supp. 895 (S.D.N.Y. 1977). |

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| (788) | (b)(5), (b)(7)(A), (b)(7)(C), (b)(7) (D), exhaustion of administrative remedies | Robbins Tire & Rubber Co. v. NLRB 92 L.R.R.M. 2586 (M.D. Ala. 1976), aff'd, 563 F.2d 724 (5th Cir. 1977), rev'd, 437 U.S. 214 (1978). |
| (789) | (b)(3), 42 U.S.C. § 2000e | Robertson v. Dept. of Defense, 402 F. Supp. 1342 (D.D.C. 1975). |
| (790) | (b)(3) | Robertson v. F.A.A., No. 1970-71 (D.D.C. 1972), aff'd sub nom., Robertson v. Butterfield, 498 F.2d 1031 (D.C. Cir. 1974), rev'd, 422 U.S. 255 (1975). |
| (791) | FOIA as a discovery tool | Robins & Weill, Inc. v. United States, 74-1 U.S.T.C. ¶ 9299 (M.D.N.C. 1974). |
| (792) | (b)(4), (b)(6), promise of confidentiality | Robles v. Environmental Protection Agency, 484 F.2d 843 (4th Cir. 1973). |
| (793) | Agency | Rocap v. Indiek, 539 F.2d 174 (D.C. Cir. 1976). |
| (794) | (a)(1)(D) | Rodriquez v. Swank, 318 F. Supp. 289 (N.D. Ill. 1970), aff'd, 403 U.S. 901 (1971). |
| (795) | (b)(2), (b)(6), reasonably segregable | Rose v. Dept. of Air Force, No. 72-1605.(S.D.N.Y. 1972), rev'd and remanded, 495 F.2d 261 (2d Cir. 1974), aff'd, 425 U.S. 352 (1976), on remand 72-Civ.1605 LMR (S.D.N.Y. 1977). |
| (796) | Privacy Act | Rowe v. State of Tenn., 431 F. Supp. 1257 (E.D. Tenn. 1977), vacated, 609 F.2d 259 (6th Cir. 1979). |
| (797) | (a)(2), (b)(4), (b)(6),(b)(7) | Rural Housing Alliance v. Dept. of Agriculture, No. 2450-72 (D.D.C. 1973), rev'd and remanded, 498 F.2d 73 (D.C. Cir. 1973), on bill of costs 511 F.2d 1347 (D.C. Cir. 1974). |
| (798) | (b)(6), (b)(7)(C) | Rushford v. Civiletti, 485 F. Supp. 477 (D.D.C. 1980). |
| (799) | (b)(5), agency records, waiver of exemption (failure to assert in litigation) | Ryan v. U.S. Dept. of Justice, 474 F. Supp. 735 (D.D.C. 1979), rev'd and reh. denied, 617 F.2d 781 (D.C. Cir. 1980). |
| (800) | Privacy Act, (b)(5), (b)(7)(A) | Ryan v. Dept. of Justice, 595 F.2d 954 (4th Cir. 1979). |
| (801) | Injunction of agency proceeding pending resolution of FOIA claim | St. Elizabeth's Hospital v. NLRB, 407 F. Supp. 1357 (N.D. Ill. 1976). |
| (802) | (a)(1), (a)(1)(D) | St. Elizabeth Hospital v. United States, 558 F.2d 8 (Ct. Cl. 1977). |

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| (803) | (a)(1), (a)(2)(C) | St. Francis Memorial Hospital v. Weinberger, 413 F. Supp. 323 (N.D. Cal. 1976). |
| (804) | Nexus test | St. Joseph's Hospital v. Blue Cross, No. 79-CV-416 (N.D.N.Y. 1979), aff'd, __ F.2d __ (2d Cir. 1979), cert. denied, ___ U.S. ___ (1980). |
| (805) | (b)(2), in camera inspection, Vaughn index | St. Louis Post-Dispatch v. F.B.I., 447 F. Supp. 31 (D.D.C. 1977). |
| (806) | Reverse FOIA case, 18 U.S.C. § 1905, Nexus test (42 U.S.C. § 1306(a)) | St. Mary's Hospital, Inc. v. Califano, 462 F. Supp. 315 (S.D. Fla. 1979), aff'd sub nom., St. Mary's Hospital, Inc. v. Harris, 604 F.2d 407 (5th Cir. 1979). |
| (807) | Agency | St. Mary Hosp. v. Philadephia Prof. Standards Review Org., No. 78-2943 (E.D. Pa. 1980). |
| (808) | (b)(4), promise of confidentiality | St. Paul's Benevolent Education & Missionary Institute v. U.S., No. C79-2047A (N.D. Ga. 1980). |
| (809) | (b)(5), leaks, waiver of exemption (administrative release) | Safeway Stores, Inc. v. F.T.C., 428 F. Supp. 346 (D.D.C. 1977). |
| (810) | (b)(7)(C), (b)(7)(D), reasonably segregable | Sands v. Murphy, No. 78-448-D, (D.N.H. 1979), subsequent decision, (D.N.H. 1980). |
| (811) | Agency records, duty to search | Santoro v. Attorney General of the United States, No. 76-1803 (GLG) (S.D.N.Y. 1976). |
| (812) | Exhaustion of administrative remedies | Satra Belarus, Inc. v. NLRB, 409 F. Supp. 271 (E.D. Wis. 1976). |
| (813) | (b)(7)(C), (b)(7)(D), reasonably segregable | Saunders v. Dogin, No. CV-75-4109-MML (C.D. Cal. 1977). |
| (814) | Privacy Act | Savarese v. H.E.W., 1 Govt. Disclosure (P-H) ¶ 79-150 (N.D. Ga. 1979). |
| (815) | (b)(4), records | Save the Dolphins v. U.S. Dept. of Commerce, 404 F. Supp. 407 (N.D. Cal. 1975). |
| (816) | Privacy Act, (b)(6), 50 U.S.C. § 403 | Schacht v. F.B.I., No. 77-0269-N (S.D. Cal. 1979). |
| (817) | (b)(1) | Schaffer v. Kissinger, 505 F.2d 389 (D.C. Cir. 1974). |
| (818) | Privacy Act | Schauler v. United States, 617 F.2d 605 (D.C. Cir. 1979). |

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| (819) | (b)(3) | *Schechter* v. *Richardson*, No. 710-72 (D.D.C. 1972). |
| (820) | (b)(2), (b)(7)(C), (b)(7)(D), (b)(7)(F), proper party defendant | *Scherer* v. *Kelley*, 584 F.2d 170 (7th Cir. 1978), *cert. denied*, 440 U.S. 964 (1979). |
| (821) | (b)(3), 42 U.S.C. § 1306 | *Schechter* v. *Weinberger*, No. 2319-72 (D.D.C. 1973), *rev'd and remanded*, 506 F.2d 1275 (D.C. Cir. 1974). |
| (822) | (a)(4)(E), adequacy of request, attorneys fees, exhaustion of administrative remedies, jurisdiction | *Schott* v. *E.P.A.*, No. C-78-639 A (N.D. Ohio 1979). |
| (823) | Reverse FOIA case, (b)(5) | *Schwartz* v. *I.R.S.* 75-1 U.S.T.C. ¶ 9389 (1974), *clarification ordered*, 511 F.2d 1303 (D.C. Cir. 1975). |
| (824) | Public records | *Schwartz* v. *U.S. Dept. of Justice* 435 F. Supp. 1203 (D.D.C. 1977), *aff'd*, 595 F.2d 888 (D.C. Cir. 1979). |
| (825) | (b)(3), 42 U.S.C. § 275, agency records (library material not agency records) | *SDC Development Corp.* v. *Weinberger*, No. CV-75-1799-IH (C.D. Cal. 1975), *aff'd sub nom.*, *SDC Development Corp.* v. *Mathews*, 542 F.2d 1116 (9th Cir. 1976). |
| (826) | FOIA as a discovery tool | *Seafarers International Union, AFL-CIO* v. *Baldovin*, 508 F.2d 125 (5th Cir. 1975), *vacated*, 511 F.2d 1161 (5th Cir. 1975). |
| (827) | FOIA as a discovery tool, injunction of agency proceeding pending resolution of FOIA claim | *Sealand Terminal Corp.* v. *NLRB*, 414 F. Supp. 1085 (S.D. Miss. 1976). |
| (828) | Reverse FOIA case | *Sears, Roebuck & Co.* v. *Eckerd*, 575 F.2d 1197 (7th Cir. 1978), *vacated*, 441 U.S. 918 (1979). |
| (829) | Reverse FOIA case, (b)(3), 18 U.S.C. § 1905, (b)(4), (b)(6), (b)(7), burden of proof, *de novo* review | *Sears, Roebuck & Co.* v. *G.S.A.*, 384 F. Supp. 996 (D.D.C. 1974), *stay of order dissolved*, 509 F.2d 527 (D.C. Cir. 1974), *summary judgement granted for intervenor and in part for defendant*, 402 F. Supp. 378 (D.D.C. 1975), *remanded*, 553 F.2d 1378 (D.C. Cir. 1977) *cert. denied*, 434 U.S. 826 (1979). |
| (830) | (a)(1), 42 U.S.C. § 2000e | *Sears, Roebuck & Co.* v. *E.E.O.C.*, 435 F. Supp. 751 (D.D.C. 1977). |

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| (831) | (b)(3), 35 U.S.C. §122, (b)(4), records | Sears v. Gottschalk, 357 F. Supp. 1327 (E.D. Va. 1973), aff'd, 502 F.2d 122 (4th Cir. 1974), cert. denied, 422 U.S. 1056 (1975), reh. denied, 423 U.S. 885 (1975). |
| (832) | FOIA as a discovery tool | Sears, Roebuck & Co. v. NLRB, 433 F.2d 210 (6th Cir. 1970). |
| (833) | (a)(2)(A), (b)(5), (b)(7) | Sears, Roebuck & Co. v. NLRB, 346 F. Supp. 751 (D.D.C. 1972), aff'd, 480 F.2d 1195 (D.C. Cir. 1973), aff'd in part, rev'd in part and remanded, 421 U.S. 132 (1975). |
| (834) | Injunction of agency proceeding pending resolution of FOIA claim | Sears, Roebuck & Co. v. NLRB, 473 F.2d 91 (D.C. Cir. 1972), cert. denied, 415 U.S. 950 (1974). |
| (835) | (b)(5) | Seattle Building & Construction Trades Council, AFL-CIO v. Henderson, 82 L.R.R.M. 2362 (W.D. Wash. 1973). |
| (836) | FOIA as a discovery tool | Secretary of Labor v. Farino, 490 F.2d 885 (7th Cir. 1973). |
| (837) | Agency subpeonas | S.E.C. v. Boeing Co., Fed.Sec. L.Rep. (CCH) ¶ 95,442 (D.D.C. 1976). |
| (838) | Agency subpoenas | S.E.C. v. Lockheed Aircraft Corp., 404 F. Supp. 651 (D.D.C. 1975). |
| (839) | Agency subpeonas | S.E.C. v. Wheeling-Pittsburgh Steel Corp., 482 F. Supp. 555 (W.D. Pa. 1979). |
| (840) | (b)(5), (b)(6) | Seiler v. Dept. of Transportation, No. 73-CV-143-C (W.D. Mo. 1975). |
| (841) | (b)(5) | Sellers v. Kelley, No. C-75-1458-A (N.D. Ga. 1976). |
| (842) | (b)(1), (b)(3), (b)(6), duty to search, referral of request to another agency, Vaughn index | Serbian Eastern, Etc. v. Central Intelligence Agency, 458 F. Supp. 798 (D.D.C. 1978). |
| (843) | (b)(1), (b)(2), (b)(3), (b)(7)(C), (b)(7)(D), (b)(7)(E), Vaughn index | Serbian Eastern, Etc. v. F.B.I., No. 77-1404 (D.D.C. 1978). |
| (844) | (b)(3) | Serbian Eastern, Etc. v. N.S.A., No. 78-03 (D.D.C. 1978). |
| (845) | (b)(3) | Serchuk v. Richardson, No. 72-1212 (S.D. Fla. 1972). |

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| (846) | (b)(3), 13 U.S.C. § 9 | *Seymour* v. *Barabba*, 559 F.2d 806 (D.C. Cir. 1977). |
| (847) | FOIA as a discovery tool | *Shakespeare Co.* v. *United States*, 389 F.2d 772 (Ct. Cl. 1968), *petition dismissed*, 419 F.2d 839 (Ct. Cl. 1969), *cert. denied*, 400 U.S. 820 (1970). |
| (848) | Agency | *Sharp* v. *Federal Deposit Ins. Corp.*, No. 75-1428 (D.D.C. 1975). |
| (849) | (b)(2), (b)(5), (b)(7)(C), (b)(7)(D), (b)(7)(E), (b)(7)(F) | *Shaver* v. *Levi*, 433 F. Supp. 438 (N.D. Ga. 1977). |
| (850) | Investigatory records | *Shell Oil Co.* v. *Udall*, No. 67-C-321 (D. Colo. 1967). |
| (851) | Exhaustion of administrative remedies, failure to meet time limits | *Shelton* v. *United States*, No. C 79-1059S (W.D. Wash. 1980). |
| (852) | Injunction pending resolution of FOIA claim | *Sheraton Inn* v. *NLRB*, 84 L.R.R.M. 2385 (D.D.C. 1973). |
| (853) | Privacy Act, (a)(2)(A), (a)(4)(E), (a)(6)(B), (b)(3), 18 U.S.C. § 1905, (b)(4), (b)(5), attorneys fees, exhaustion of administrative remedies, fees (search and duplication | *Shermco Industries, Inc.* v. *Secretary of U.S. Air Force*, 452 F. Supp. 306 (N.D. Tex. 1978), *rev'd*, 613 F.2d 1314 (5th Cir. 1980). |
| (854) | (b)(7) | *Shouse* v. *Burris*, No. CV-475-198 (S.D. Ga. 1975). |
| (855) | (b)(1), (b)(3), (b)(5), adequacy of agency affidavit, agency records | *Siemens Corp.* v. *U.S. Dept. of Defense*, No. 78-0385 (D.D.C. 1979). |
| (856) | (b)(5) | *Sierra Club* v. *Morton*, 395 F. Supp. 1187 (D.D.C. 1975), *aff'd in part, rev'd in part*, 581 F.2d 895 (D.C. Cir. 1978). |
| (857) | Discovery in FOIA | *Silverman* v. *Commodity Futures Trading Commission*, 549 F.2d 28 (7th Cir. 1977), *aff'd*, 562 F.2d 432 (7th Cir. 1977). |
| (858) | (b)(5) | *Simons-Eastern Co.* v. *United States*, 55 F.R.D. 88 (N.D. Ga. 1972). |
| (859) | (b)(6) | *Simpson* v. *Dept. of State*, No. 79-0674 (D.D.C. 1979). |

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| (860) | (b)(3), (b)(6), 50 U.S.C. § 403 | *Sims* v. *Central Intelligence Agency*, 479 F. Supp. 84 (D.D.C. 1979). |
| (861) | Attorneys fees | *Sira* v. *Dept. of the Air Force*, ___ F.2d ___ (9th Cir. 1980), (No. 78-1853). |
| (862) | Proper party defendant | *Skolnick* v. *Campbell*, 454 F.2d 531 (7th Cir. 1971). |
| (863) | Agency | *Skolnick* v. *Kerner*, 435 F.2d 694 (7th Cir. 1970). |
| (864) | Jurisdiction | *Skolnick* v. *Parsons*, 397 F.2d 523 (7th Cir. 1968). |
| (865) | (a)(2)(C),(b)(2), (b)(7)(E), interaction of (a)(2) and (a)(3) | *Sladek* v. *Bensinger*, 605 F.2d 899 (5th Cir. 1979). |
| (866) | (b)(3), I.R.C. § 6103 | *Slotnick* v. *Bureau of Internal Revenue*, No. 77-1341 (1st Cir. 1977). |
| (867) | Privacy Act | *Smiertka* v. *U.S. Dept. of Treasury, Etc.*, 447 F. Supp. 221 (D.D.C. 1978), 604 F.2d 698 (D.C. Cir. 1979). |
| (868) | Exhaustion of administrative remedies | *Smith* v. *Fenton*, 424 F. Supp. 792 (E.D. Ill. 1976). |
| (869) | (b)(2), (b)(5), (b)(6), (b)(7)(D), agency records (judicial branch records not agency records), *Vaughn* index | *Smith* v. *Flaherty*, 465 F. Supp. 815 (M.D. Pa. 1978). |
| (870) | Exhaustion of administrative remedies | *Smith* v. *Switzer*, 73-2 U.S.T.C. ¶ 9490 (W.D. Pa. 1973). |
| (871) | Privacy Act, exhaustion of administrative remedies | *Smith* v. *U.S. Sec. of the Army*, No. 79-453-N (M.D. Ala. 1979). |
| (872) | (b)(3) | *Smith* v. *U.S. Information Agency*, No. C76-483S (W.D. Wash. 1978). |
| (873) | Fees-waiver | *Sneed* v. *Bresson*, 1 Gov't. Disclosure (P-H) ¶ 79,143 (W.D.N.C. 1979). |
| (874) | Attorneys fees | *Solomon* v. *I.R.S.*, 1 Gov't. Disclosure (P-H) ¶ 79,193 (D.D.C. 1979). |
| (875) | (b)(4), (b)(6) | *Sondregger* v. *United States Dept. of the Interior*, 424 F. Supp. 847 (D. Idaho 1976). |

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| (876) | (b)(4), (b)(5) | *Soucie* v. *David*, 448 F.2d 1067 (D.C. Cir. 1971). |
| (877) | (b)(5), (b)(6), (b)(7)(A), (b)(7)(C), (b)(7)(D), attorneys fees | *Southern Plastics, Inc.* v. *NLRB*, No. 78-0124 (W.D. La. 1978). |
| (878) | Injunction of agency proceeding pending resolution of FOIA claim | *Southwest Motor Freight, Inc.* v. *NLRB*, 411 F. Supp. 1019 (E.D. Tenn. 1976). |
| (879) | Agency records | *Stassi* v. *U.S. Dept. of Justice*, No. 78-532 (D.D.C. 1979). |
| (880) | (b)(7)(C), (b)(7)(D) | *Stassi* v. *U.S. Dept. of Justice*, No. 78-0534 (D.D.C. 1979). |
| (881) | No entries for topical index | *Stassi* v. *U.S. Dept. of Justice*, No. 78-535 (D.D.C. 1979). |
| (882) | (b)(2), (b)(3), Rule 6(e) Fed. R.Crim.P., (b)(7)(C), (b)(7)(D), (b)(7)(F), duty to disclose | *Stassi* v. *U.S. Dept. of Justice*, No. 78-0536 (D.D.C. 1979). |
| (883) | Adequacy of agency affidavit | *Stassi* v. *Dept. of Justice*, No. 78-967 (D.D.C. 1978). |
| (884) | (b)(3), (b)(7)(C), (b)(7)(D), (b)(7)(E), (b)(7)(F), agency records | *Stassi* v. *Dept. of Treasury*, No. 78-533 (D.D.C. 1979). |
| (885) | (b)(5) | *State of Delaware* v. *N.O.A.A.*, No. 80-0565 (D.D.C. 1980) |
| (886) | (b)(5), discreationary release | *North Dakota* v. *Andrus*, 581 F.2d 177 (8th Cir. 1978). |
| (887) | (b)(5), (b)(7), FOIA as a discovery tool | *Steadman Security Corp.* v. *S.E.C.*, Fed. Sec. L. Rep. (CCH) ¶ 93,735 (D.D.C. 1973). |
| (888) | *Vaughn* index | *Steenland* v. *C.I.A.*, Civ 76-548 (W.D.N.Y. 1978). |
| (889) | (b)(1), (b)(7)(C), (b)(7)(D), Executive Order 11652 | *Stein* v. *U.S. Dept of Justice*, No. 77-C-954 (N.D. Ill 1979). |
| (890) | (b)(7)(A), *Vaughn* index | *Steinberg* v. *I.R.S.*, 463 F. Supp. 1272 (S.D. Fla. 1979). |
| (891) | (b)(5), (b)(6) | *Stemmer* v. *Dept. of the Army*, No. 75-2617 (E.D. Pa. 1976). |

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| (892) | (b)(3), 26 U.S.C. § 6103, (b)(7)(A), proper party defendant | *Stephenson* v. *I.R.S.*, No. C78-1071A (N.D. Ga. 1979). |
| (893) | (b)(4), (b)(5) | *Sterling Drug, Inc.* v. *F.T.C.*, 450 F.2d 698 (D.C. Cir. 1971). |
| (894) | (b)(5) | *Sterling Drug, Inc.* v. *Harris*, No. 79- Civil 4899 (S.D.N.Y. 1980). |
| (895) | (b)(2), (b)(5), (b)(7) | *Stern* v. *Richardson*, 367 F. Supp. 1316 (D.D.C. 1973). |
| (896) | (b)(2), (b)(5) | *Stokes* v. *Hodgson*, 347 F. Supp. 1371 (N.D. Ga. 1972), *aff'd sub nom.*, *Stokes* v. *Brennan*, 476 F.2d 699 (5th Cir. 1973). |
| (897) | (b)(4) | *Stone* v. *Export-Import Bank of the U.S.*, No. 74-129 (N.D. Fla. 1975), *aff'd*, 552 F.2d 132 (5th Cir. 1977), *cert. denied*, 434 U.S. 1012 (1978). |
| (898) | (b)(1), adequacy of agency affidavit, burden of proof, *in camera* inspection, Executive Order 12065 | *Stoner* v. *F.B.I.*, No. C-77-2070-A (N.D. Ga. 1980). |
| (899) | (b)(3), 42 U.S.C. § 1306 | *Stretch* v. *Weinberger*, 359 F. Supp. 702 (D.N.J. 1973), *aff'd*, 495 F.2d 639 (3d Cir. 1974). |
| (900) | (b)(2), (b)(5) | *Sturgeon* v. *Dept. of Treasury*, No. 77-1961 (D.D.C. 1979). |
| (901) | Reverse FOIA case, (b)(4), (b)(9) | *Superior Oil Co.* v. *Federal Energy Regulatory Commission*, 563 F.2d 191 (5th Cir. 1977). |
| (902) | Privacy Act | *Swann* v. *U.S. Dept. of Justice*, No. CV 78-1368-WE (Px) (C.D. Cal. 1978). |
| (903) | (b)(5) | *Swift* v. *I.R.S.*, No. C75-77R (N.D. Ga. 1975). |
| (904) | Sunshine Act | *Symons* v. *Chrysler Corp. Loan Guarantee Board*, No. 80-1036 (D.D.C. 1980). |
| (905) | Reverse FOIA, (b)(4) | *Syntex Corp.* v. *Califano*, No. 76-2193 (D.D.C. 1979). |
| (906) | (b)(5) | *Tabcor Sales Clearing, Inc.* v. *Dept. of Treasury*, 471 F. Supp. 436 (N.D. Ill. 1979). |
| (907) | (b)(5) | *Talbott Construction Co.* v. *United States*, 49 F.R.D. 68 (E.D. Ky.1969). |

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| (908) | (b)(7)(A), (b)(7)(C), *in camera* inspection, *Vaughn* index | *Tarnopol* v. *F.B.I.*, 442 F. Supp. 5 (D.D.C. 1977). |
| (909) | Injunction of agency proceeding pending resolution of FOIA claim | *Tartan Marine Co.* v. *NLRB*, 446 F. Supp. 1174 (M.D.N.C. 1978). |
| (910) | (b)(3), I.R.C. § 6103, 7213, (b)(5) | *Tax Analysts and Advocates* v. *I.R.S.*, 362 F. Supp. 1298 (D.D.C. 1973), *modified in part and remanded*, 505 F.2d 350 (D.C. Cir. 1974), *on remand* 405 F. Supp. 1065 (D.D.C. 1975). |
| (911) | (b)(4), equitable discretion | *Tax Reform Research Group* v. *I.R.S.*, 74-1 Trade Cas. (CCH) ¶ 9374 (D.D.C. 1974). |
| (912) | (b)(3), I.R.C. § 6103, 7213, (b)(5), agency records | *Tax Reform Research Group* v. *I.R.S*, 419 F. Supp. 415 (D.D.C. 1976). |
| (913) | (a)(2), (b)(5) | *Taxation With Representation Fund* v. *I.R.S.*, 485 F. Supp. 263 (D.D.C. 1980), *order on motion for reconsideration*, No. 78-2304 (D.D.C. 1980). |
| (914) | (b)(5), (b)(7)(A) | *Taylor Oil Co.* v. *Dept. of Energy*, No. 78-1369 (D.D.C. 1980). |
| (915) | Injunction of agency proceeding pending resolution of FOIA claim | *Teamsters Local 705* v. *NLRB*, 82 L.R.R.M. 3014 (D.D.C. 1973). |
| (916) | Adequacy of request | *Television Wisconsin, Inc.* v. *NLRB*, 410 F. Supp. 999 (W.D. Wis. 1976). |
| (917) | (b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D), burden of proof | *Temple-Eastex, Inc.* v. *NLRB*, 410 F. Supp. 183 (E.D. Tex. 1976). |
| (918) | (b)(5) | *Tennessean Newspaper, Inc.* v. *F.H.A.*, 341 F. Supp. 1013 (M.D. Tenn. 1971), *rev'd*, 464 F.2d 657 (6th Cir. 1972). |
| (919) | (b)(7)(C) | *Tennessean Newspaper, Inc.* v. *Levi*, 403 F. Supp. 1318 (M.D. Tenn. 1975). |
| (920) | Privacy Act, (b)(1), (b)(2), (b)(7)(C), (b)(7)(D), (b)(7)(E), *in camera* inspection | *Terkel* v. *Kelly*, No. 76 C 1626 (N.D. Ill. 1978), *aff'd*, 599 F.2d 214 (7th Cir. 1979), *cert. denied*, 100 S.Ct. 662 (1980). |
| (921) | (b)(4), (b)(5) | *Texas Instruments, Inc.* v. *U.S. Customs Service*, No. 78-2230 (D.D.C. 1979). |

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| (922) | (b)(2), (b)(5) | *Texas Instruments* v. *U.S. Customs Service*, 479 F. Supp. 404 (D.D.C. 1979). |
| (923) | (b)(4), (b)(5), *de novo* hearing, equity powers, executive privilege | *Theriault* v. *United States*, 503 F.2d 390 (9th Cir. 1974), *on remand*, 395 F. Supp. 637 (C.D. Cal. 1975). |
| (924) | Reverse FOIA case | *Thirfty Drugstores, Inc.* v. *F.T.C.*, 40 Ad. L.2d (P&F) 108 (D.D.C. 1976). |
| (925) | Agency | *Thomas* v. *United States*, 597 F.2d 656 (8th Cir. 1979). |
| (926) | (b)(2) | *Tietze* v. *Richardson*, 342 F. Supp. 610 (S.D. Tex. 1972). |
| (927) | (a)(1), (a)(1)(D), (a)(2)(C) | *Timber Access Industries Co.* v. *United States*, 553 F.2d 1250 (Ct. Cl. 1977). |
| (928) | (b)(4) | *Timken Co.* v. *U.S. Customs Service*, No. 79-1225 (D.D.C. 1980). |
| (929) | (b)(5), (b)(7)(A), (b)(7)(C), injunction of agency proceeding pending resolution of FOIA claim | *Title Guarantee Co.* v. *NLRB*, 407 F. Supp. 498 (S.D.N.Y. 1975), *rev'd and remanded*, 534 F.2d 484 (2d Cir. 1976), *cert. denied*, 429 U.S. 834 (1976). |
| (930) | (b)(4), (b)(6) | *Tobacco Institute* v. *F.T.C.*, No. 3035-67, (D.D.C. 1968). |
| (931) | (b)(5) | *Todd Shipyards Corp.* v. *Dept. of the Navy*, 1 Gov't. Disclosure (P-H) ¶ 80,004 (D.C. Cir. 1979). |
| (932) | Privacy Act | *Townsend* v. *Carter*, 476 F. Supp. 1070 (N.D. Tex. 1979). |
| (933) | (b)(7)(A) | *Trustees of Boston University* v. *NLRB*, 575 F.2d 301 (1st Cir. 1978), *vacated*, 100 S.Ct. 1271 (1980). |
| (934) | (b)(6) | *Tuchinsky* v. *Selective Service System*, 294 F. Supp. 803 (N.D. Ill. 1969), *aff'd*, 418 F.2d 155 (7th Cir. 1969). |
| (935) | (b)(7)(C), (b)(7)(D), *Vaughn* index | *Turner* v. *Dept. of Justice*, No. 75-2180 (D.D.C. 1977). |
| (936) | Venue | *Turner* v. *Kelly*, 411 F. Supp. 1331 (D. Kan. 1976). |
| (937) | (b)(7)(D), burden of proof | *T.V. Tower* v. *Marshall*, 444 F. Supp. 1233 (D.D.C. 1978). |
| (938) | Exhaustion of administrative remedies | *Tyler* v. *Defense Supply Agency*, No. 76-452-N (E.D. Va. 1977). |

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| (939) | (b)(1), (b)(7)(C) | *Tzaneff* v. *F.B.I.*, No. 79-0333 (D.D.C. 1979). |
| (940) | (b)(5) | *Union of Concerned Scientists v. Nuclear Regulatory Commission*, No. 76-370 (D.D.C. 1977). |
| (941) | Reverse FOIA case | *Union Oil Company of California v. F.P.C.*, 542 F.2d 1036 (9th Cir. 1976). |
| (942) | *In camera* inspection | *United States* v. *American Telephone & Telegraph Co.*, (D.C. Cir. 1977), *reh. denied*, 567 F.2d 121 (D.D.C. 1977). |
| (943) | (a)(1) | *United States* v. *Anaconda Co.*, 445 F. Supp. 486 (D.D.C. 1977). |
| (944) | FOIA as a discovery tool, exhaustion of administrative remedies | *United States* v. *Brown*, 562 F.2d 1144 (9th Cir. 1977). |
| (945) | (b)(7) | *United States* v. *Buckley*, 586 F.2d 498 (5th Cir. 1978), *cert. denied*, 440 U.S. 982 (1979). |
| (946) | (b)(3), (b)(7) | *United States* v. *Collins*, 596 F.2d 166 (6th Cir. 1979). |
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| (948) | Agency subpoenas | *United States* v. *Exxon*, __ F.2d __ (D.C. Cir. 1980) (Nos. 80-1002/1003/1018). |
| (949) | Agency subpoenas, (b)(7)(A) | *United States* v. *First Nat'l. State Bank of New Jersey*, 616 F.2d 668 (3rd Cir. 1980). |
| (950) | Privacy Act, (b)(6) | *United States* v. *Flood*, 462 F. Supp. 99 (D.D.C. 1978). |
| (951) | (a)(1) | *United States* v. *Goodman*, 605 F.2d 870 (5th Cir. 1979). |
| (952) | (a)(2)(C) | *United States* v. *Imbrunone*, 379 F. Supp. 256 (E.D. Mich. 1974). |
| (953) | (a)(2)(A), (a)(2)(C), (b)(5), (b)(7) | *United States* v. *J.B. Williams Co.*, 402 F. Supp. 796 (S.D.N.Y. 1975). |
| (954) | Records | *United States* v. *Lambert*, 446 F. Supp. 890, (D. Conn. 1978), *aff'd*, 601 F.2d 69 (2d Cir. 1979), *cert. denied*, 100 S.Ct. 148 (1980). |

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| (955) | (a)(2) | *United States* v. *Leichtfuss*, 331 F. Supp. 723 (N.D. Ill. 1971). |
| (956) | (a)(1)(D) | *United States* v. *Mowat*, 582 F.2d 1194 (9th Cir. 1978), *cert. denied*, 439 U.S. 967 (1978). |
| (957) | FOIA as a discovery tool | *United States* v. *Murdock*, 548 F.2d 599 (5th Cir. 1977). |
| (958) | Sunshine Act | *United States* v. *Rankin*, 616 F.2d 1168 (10th Cir. 1980). |
| (959) | Reverse FOIA case, (b)(3), 42 U.S.C. § 2000e-8(e), (b)(4), (b)(7) | *United States* v. *Trucking Employees Inc.*, 13 F.E.P. Cas. 376 (D.D.C. 1976). |
| (960) | FOIA as a discovery tool | *United States* v. *Wahlin*, 384 F. Supp. 43 (W.D. Wis. 1974). |
| (961) | Duty to disclose | *United States* v. *Wills*, 475 F. Supp. 492 (M.D. Fla. 1979). |
| (962) | (a)(1)(D), publication | *United States ex rel. Parco* v. *Morris*, 426 F. Supp. 976 (E.D. Pa. 1977). |
| (963) | Reverse FOIA case, (b)(4) | *United States Steel Corp.* v. *Schlesinger*, 8 Empl. Prac. Dec. (CCH) ¶ 9717 (E.D. Va. 1974). |
| (964) | (b)(5), (b)(6), (b)(7)(A), (b)(7)(C), (b)(7)(D) | *United Supermarkets, Inc.* v. *NLRB*, 449 F. Supp. 407 (N.D. Tex. 1978). |
| (965) | Reverse FOIA case, (b)(3), 18 U.S.C. § 1905, (b)(4), agency records (personal records not agency records), burden of proof | *United Tech. Corp.* v. *Marshall*, 464 F. Supp. 845 (D. Conn. 1979). |
| (966) | Reverse FOIA case, (b)(3), (b)(4), (b)(5), 18 U.S.C. § 1905 | *United Tech. Corp.* v. *Marshall*, No. 78-8253-Civ. JE (S.D. Fla. 1978). |
| (967) | Injunction of agency proceeding pending resolution of FOIA claim | *United Telephone Co. of Pennsylvania* v. *F.C.C.*, 375 F. Supp. 992 (M.D. Pa. 1974). |
| (968) | Attorneys fees | *Urban Law Institute of Antioch College, Inc., et al.* v. *Secretary of Defense, et al.*, No. 76-530 (D.D.C. 1978). |
| (969) | Reverse FOIA case, (b)(4) | *Usery* v. *Whitin Machine Works, Inc.* 412 F. Supp. 1019 (D. Mass. 1976), *rev'd and remanded*, 554 F.2d 498 (1st Cir. 1977). |

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| (970) | Reverse FOIA case, (b)(4) | *USS-OCP-W&M* v. *Eckard*, No. 76-1933 (D.D.C. 1976). |
| (971) | Privacy Act | *Utah-Ohio Gas & Oil, Inc.* v. *S.E.C.*, 1 Gov't. Disclosure (P-H) ¶ 80,038 (D. Utah 1980). |
| (972) | Venue | *V. Scott Kneese and Howard H. Hubbard Funeral Home, Inc.* v. *NLRB*, No. H-78-29 (S.D. Tex. 1978). |
| (973) | (b)(2), (b)(5), (b)(7)(C), (b)(7)(D), (b)(7)(E) | *Vander Pauwert* v. *F.B.I.*, 1 Gov't. Disclosure (P-H) ¶ 80,088 (D.D.C. 1980). |
| (974) | (b)(1), (b)(5), (b)(7)(C), (b)(7)(D) | *Varona Pacheco* v. *Federal Bureau of Investigation*, 456 F. Supp. 1024 (D.P.R. 1978). |
| (975) | (b)(5), (b)(6), burden of proof, *Vaughn* index | *Vaughn* v. *Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974), *on remand* 383 F. Supp. 1049 (D.D.C. 1974), *aff'd*, 523 F.2d 1136 (D.C. Cir. 1975). |
| (976) | (b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D) | *Vegas Village Shopping Corp.* v. *NLRB*, 92 L.R.R.M. 2683 (C.D. Cal. 1976). |
| (977) | (b)(4), (b)(5) | *Vereinigte Vaubeschlagfabriken Gretsch and Co.* v. *Dept. of the Treasury*, 435 F. Supp. 1212 (D.D.C. 1977). |
| (978) | Attorneys fees | *Vermont Low Income Advocacy Council, Inc.* v. *Dunlop*, 71 F.R.D. 343 (D. Vt. 1976), *aff'd sub nom.*, *Vermont Low Income Advocacy Council* v. *Usery*, 546 F.2d 509 (2d Cir. 1976). |
| (979) | (b)(5) | *Verrazzano Trading Corp.* v. *United States*, 349 F. Supp. 1401 (Cust. Ct. 1972). |
| (980) | Records | *Vessels* v. *Bailar*, No. 77-F-1180 (D. Colo. 1978). |
| (981) | (b)(3), (b)(6) | *Vietnam Veterans Against the War* v. *Laird*, No. 2277-70 (D.D.C. 1971). |
| (982) | (b)(5), FOIA as a discovery tool | *Virginia Independent Schools Ass'n.* v. *Commissioner of Internal Revenue*, No. 75-925 (D.D.C. 1976). |
| (983) | (b)(5) | *Virginia-Carolina Freight Lines, Inc.* v. *United States*, 411 F. Supp. 356 (W.D. Va. 1976). |
| (984) | Privacy Act | *Voelher* v. *I.R.S.*, No. 79-0900-C(c) (E.D. Mo. 1980). |

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| (985) | (b)(5) | Vogel v. Bell, 1 Gov't. Disclosure (P-H) ¶ 79,185 (D. Ariz. 1979). |
| (986) | Privacy Act, (b)(5), attorneys fees | Volz v. Dept. of Justice, No. Civ. 77-0635-E (W.D. Okla. 1978), rev'd, 619 F.2d 49 (10th Cir. 1980). |
| (987) | (b)(3), Rule 6(e), Fed.R.Crim.P., (b)(7)(A), agency records (judicial branch records not agency records), Vaughn index | Walter, Conston, Etc., v. U.S. Dept. of Justice, 79 Civ. 2918 (GLG) (S.D.N.Y. 1979). |
| (988) | Agency records | Warth v. Dept. of Justice, 595 F.2d 521 (9th Cir. 1979). |
| (989) | Attorneys fees | Washington Area Construction Industry Task Force v. Dept. of Labor, No. 76-2317 (D.D.C. 1978). |
| (990) | 18 U.S.C. § 1905, 42 U.S.C. § 1306, Nexus test, reverse FOIA case | Washington Hospital Center v. Mutual of Omaha, No. 78-2485 (D.D.C. 1979). |
| (991) | (b)(6) | Washington Post v. Dept. of State, No. 79-2688 (D.D.C. 1980). |
| (992) | (a)(2), (b)(4), (b)(5), (b)(6) | Washington Research Project, Inc. v. H.E.W., 366 F. Supp. 929 (D.D.C. 1973), aff'd in part, rev'd in part and remanded, 504 F.2d 238 (D.C. Cir. 1974), cert. denied, 421 U.S. 963 (1975). |
| (993) | Privacy Act | Weahkee v. Norton, ___ F.2d ___ (10th Cir. 1980) (No. 78-1294). |
| (994) | Agency subpoenas | Wearly v. F.T.C., 462 F. Supp. 589 (D.N.J. 1978), vacated, 616 F.2d 667 (3rd Cir. 1980). |
| (995) | Privacy Act | Weber v. U.S. Government, No. CV 78-1473-R(S)(C.D. Cal. 1979). |
| (996) | (b)(1), (b)(3) | Weberman v. National Security Agency, 77 Civ. 5058 (S.D.N.Y. 1980). |
| (997) | (b)(4), (b)(5), (b)(7) | Weckslar v. Shultz, 324 F. Supp. 1084 (D.D.C. 1971). |
| (998) | No entries for topical index | Weinstein v. Bell, No. 2278-72 (D.D.C. 1978). |

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| (999) | (b)(3), (b)(6), duty to search, referral of request to another agency, Glomar denial | Weisberg v. Central Intelligence Agency, No. 77-1997 (D.D.C. 1979). |
| (1000) | (b)(1), agency records | Weisberg v. C.I.A., __ F.2d __ (D.C. Cir. 1980)(No. 1729). |
| (1001) | (b)(7) | Weisberg v. United States Dept. of Justice, 489 F.2d 1195 (D.C. Cir. 1973), cert. denied, 416 U.S. 993 (1974). |
| (1002) | (b)(7), adequacy of agency affidavit, discovery in FOIA litigation, duty to search, summary judgement | Weisberg v. U.S. Dept. of Justice, No. 75-0226 (D.D.C. 1975), remanded, 543 F.2d 308 (D.C. Cir. 1976), decision on remand, 438 F. Supp. (D.D.C. 1977), rev'd, __ F.2d __ (D.C. Cir. 1980). |
| (1003) | (b)(3), (Copyright Act), (b)(4), agency records, discretionary release, duty to disclose | Weisberg v. U.S. Dept. of Justice, No. 75-1996 (D.D.C. 1978), aff'd in part and vacated in part, __ F.2d __ (D.C. Cir. 1980). |
| (1004) | (b)(3), (b)(5) | Weisberg v. G.S.A., No. 75-1448 (D.D.C. 1977). |
| (1005) | (b)(1), (b)(3), 50 U.S.C. § 403, (b)(6), (b)(7), in camera inspection | Weissman v. C.I.A., No. 75-1583 (D.D.C. 1976), remanded in part, 565 F.2d 692 (D.C. Cir. 1977), modified on rehearing (D.C. Cir. 1977). |
| (1006) | Attorneys fees | Weiss v. Kelly, No. 75-1481 (D.D.C. 1978). |
| (1007) | (b)(6), (b)(7)(C), (b)(7)(D) | Welch v. U.S. Dept. of Justice, No. 79-414-A (E.D. Va. 1980). |
| (1008) | (b)(4), (b)(5), (b)(7) | Wellford v. Hardin, 315 F. Supp. 175 (D. Md. 1970), aff'd 444 F.2d 21 (4th Cir. 1971), on motion for reconsideration 330 F. Supp. 915 (D. Md. 1971). |
| (1009) | (b)(4), (b)(7) | Wellman Industries v. NLRB, No. 73-74 (D.S.C. 1973), aff'd, 490 F.2d 427 (4th Cir. 1974), cert. denied, 419 U.S. 834 (1974). |
| (1010) | Attorneys fees | Werner-Continental, Inc. v. Farkas, 478 F. Supp. 815 (S.D. Ohio 1979). |
| (1011) | (b)(4) | Westchester General Hosptal, Inc. v. Dept. of Health, Education and Welfare, 434 F. Supp. 435 (M.D. Fla. 1977), dismissed, 464 F. Supp. 236 (M.D. Fla. 1979). |

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| (1012) | Reverse FOIA case, (b)(3), (b)(4), (b)(6), 18 U.S.C. § 1905 | Westinghouse Electric Corp. v. Brown, No. CV 78-3799-LEW (C.D. Cal. 1979). |
| (1013) | Attorneys fees | Westinghouse Electric Corp. v. NLRB, No. 79-815 (W.D. Pa. 1980). |
| (1014) | Reverse FOIA case, (b)(3), 42 U.S.C. § 2000e-8(e), 18 U.S.C. § 1905 | Westinghouse Electric Corp. v. Schlesinger, 392 F. Supp. 1246 (E.D. Va. 1974), aff'd, 542 F.2d 1190 (4th Cir. 1976),cert. denied, 431 U.S. 924 (1977). |
| (1015) | Reverse FOIA case, (b)(4), discretionary release | Westinghouse Electric Corp. v. United States Nuclear Regulatory Commission, 555 F.2d 82 (3d Cir. 1977). |
| (1016) | Reverse FOIA case, (b)(3), 18 U.S.C. § 1905, 42 U.S.C. § 2000e, 44 U.S.C. § 3508(a), (b)(4), (b)(6), discretionary release, reasonably segregable | Westinghouse Electric Corp.-Research and Development Center v. Brown, 443 F. Supp. 1225 (E.D. Va. 1977). |
| (1017) | (a)(1)(D), publication | Whelan v. Brinegar, 538 F.2d 924 (2d Cir. 1976). |
| (1018) | Adequacy of request, exhaustion of administrative remedies, failure to meet time limits | White v. Loury, No. C-78-144 (N.D. Ohio 1978). |
| (1019) | Jurisdiction, proper party defendant | White v. United States, No. C80-53 (N.D. Ohio 1980). |
| (1020) | Privacy Act, exhaustion of administrative remedies | White v. United States Civil Service Com'n., 589 F.2d 713 (D.C. Cir. 1978), cert. denied, 100 S.Ct. 58 (1979). |
| (1021) | Burden of proof, duty to create a record, duty to disclose, duty to search, in camera inspection, summary judgement | Willamette Industries, Inc. v. United States, No. 78-336 (D. Or. 1979). |
| (1022) | (b)(5), (b)(7) | Williams v. I.R.S., 345 F. Supp. 591 (D. Del. 1972), aff'd, 479 F.2d 317 (3d Cir. 1973). |
| (1023) | (b)(7)(C), (b)(7)(D), proper party defendant | Williams v. McCreight, 1 Gov't. Disclosure (P-H) ¶ 80,037 (D.D.C. 1980). |

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| (1024) | (b)(6), similar files | Wine Hobby, USA, Inc. v. United States Bureau of Alcohol, Tobacco and Firearms, 363 F. Supp. 231 (E.D. Pa. 1973), rev 'd, 502 F.2d 133 (3d Cir. 1974). |
| (1025) | (b)(2), (b)(7), proper party defendant, in camera inspection, Vaughn index | Wogamon v. Drug Enforcement Administration, No. 77-112-BLG (D. Mont. 1979). |
| (1026) | Privacy Act, (b)(3), 26 U.S.C. 6103(e)(6), (b)(7)(A) | Wohlgemuth v. I.R.S., 1 Gov't. Disclosure (P-H) ¶ 80,117 (N. Ohio 1980). |
| (1027) | (b)(1) | Wolfe v. Froehlike, 358 F. Supp. 1318 (D.D.C. 1973), aff'd, 510 F.2d 654 (D.C. Cir. 1974). |
| (1028) | (b)(3), 26 U.S.C. § 6103, (b)(7)(C) | Wolfe v. I.R.S., 1 Gov't. Disclosure (P-H) ¶ 80,116 (D. Colo. 1980). |
| (1029) | FACA, (b)(5), agency | Wolfe v. Weinberger, 403 F. Supp. 238 (D.D.C. 1975). |
| (1030) | Attorneys fees | Wolfson v. U.S. Dept. of Justice, No. 75-1714 (D.D.C. 1979). |
| (1031) | (b)(1), (b)(3), 50 U.S.C. §403, Glomar denial, Vaughn index | Wood v. C.I.A., No. 75-366-Civ. T-K (M.D. Fla. 1977). |
| (1032) | (a)(1)(C), publication | Woods v. Chairman, U.S. Parole Com'n., No. 78-1907 (D.D.C. 1979). |
| (1033) | (b)(1), (b)(3), 50 U.S.C. § 403, Glomar denial | Woolbright v. C.I.A., No. CV-76-2448 LEW (C.D. Cal. 1977). |
| (1034) | (b)(7), constitutional (exclusionary rule-applied to rec'ds obtained not in compliance FOIA) | Word v. United States, 604 F.2d 1127 (8th Cir. 1979). |
| (1035) | (b)(5) | Wu v. Keeney, 384 F. Supp. 1161 (D.D.C. 1974), aff'd, 527 F.2d 854 (D.D.C. 1975). |
| (1036) | (b)(5) | Wu v. National Endowment for Humanities, 460 F.2d 1030 (5th Cir. 1972), cert. denied, 410 U.S. 926 (1973). |
| (1037) | (b)(5) | Yamaha International Corp. v. F.T.C., No. 74-475 (D.D.C. 1975). |
| (1038) | (a)(1)(D), publication | Yassini v. Crosland, 618 F.2d 1356 (9th Cir. 1980). |

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| (1039) | (b)(3), 26 U.S.C § 6103 | *Zale Corp.* v. *U.S. Internal Revenue Service*, 481 F. Supp. 486 (D.D.C. 1979). |
| (1040) | (b)(2), (b)(7)(E) | *Zamnick* v. *Dept. of State*, No. 79-1072 (D.D.C. 1979). |
| (1041) | Privacy Act, (b)(5), (b)(7)(A), | *Zeller* v. *United States*, 467 F. Supp. 487 (E.D.N.Y. 1979). |

## REVERSE FOIA CASES

*Associated Dry Goods Corp.* v. *E.E.O.C.*, 419 F. Supp. 387 (E.D. Va. 1976), *additional issues decided*, 454 F. Supp. 387 (E.D. Va. 1978).

*Babcock & Wilcox Co.* v. *Rumsfeld*, 70 F.R.D. 595 (N.D. Ohio 1976).

*Bethlehem Steel Corp.* v. *Kreps*, No. Y-78-837 (D. Md. 1980).

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*Cedars Nursing & Convalescent Center, Inc.* v. *Aetna Life Ins.*, 472 F. Supp. 296 (E.D. Pa. 1979).

*Cell Associates* v. *Nat'l. Institutes, Etc.*, 579 F.2d 1155 (9th Cir. 1978).

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*Chevron Chemical Co.* v. *Costle*, 443 F. Supp. 1024 (N.D. Cal. 1978).

*Clements Wire & Mfg. Co.* v. *NLRB*, 589 F.2d 894 (5th Cir. 1979).

*Consumers Union of the United States* v. *Consumer Product Safety Com'n.*, 400 F. Supp. 848 (D.D.C. 1975), *rev'd. and remanded*, 561 F.2d 349 (D.C. Cir. 1977), *cert. granted sub nom.*, *GTE Sylvania, Inc.* v. *Consumers Union of the United States*, *vacated and remanded*, 434 U.S. 1030 (1978), *earlier judgement aff'd*, 590 F.2d 1209, (D.C. Cir. 1978), *cert. granted*, 441 U.S. 942 (1979).

*Continental Oil Co.* v. *F.P.C.*, 519 F.2d 31 (5th Cir. 1975), *cert. denied sub nom.*, *Superior Oil* v. *F.P.C.*, 425 U.S. 971 (1976).

*Continental Stock Transfer and Trust Co.* v. *S.E.C.*, 566 F.2d 373 (2d Cir. 1977).

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*General Dynamics Corp.* v. *Dunlop*, 427 F. Supp. 578 (E.D. Mo. 1976), *vacated and remanded sub nom.*, *General Dynamics Corp.* v. *Marshall*, 572 F.2d 1211 (8th Cir. 1978), *vacated and remanded*, 441 U.S. 919 (1979), *on remand*, __ F.2d __ (8th Cir. 1979) (No. 77-1192).

*General Dynamics Corp.* v. *Marshall*, __ F.2 __ (8th Cir. 1979).

*General Motors Corp.* v. *Marshall*, No. 78-452-A (E.D. Va. 1980).

*Guerra* v. *Guajardo*, 466 F. Supp. 1046 (S.D. Tex. 1978), *aff'd*, 597 F.2d 769 (5th Cir. 1979).

*Gulf Oil Corp.* v. *Marshall*, No. 75-1491 (D.D.C. 1979).

*GTE Sylvania* v. *Consumer Product Safety Com'n.*, 443 F. Supp. 1152 (D. Del. 1977), *aff'd*, 598 F.2d 790 (3rd Cir. 1979), *aff'd sub nom.*, *Consumer Product Safety Com'n.* v. *GTE Sylvania, Inc.*, __ U.S. __ (1980).

*Holiday Inns, Inc.* v. *Kleppe*, 40 Ad. L.2d (P&F) 66 (W.D. Tenn. 1976).

*Honeywell Information Systems, Inc.* v. *N.A.S.A.*, Nos. 76-353, 76-377 (D.D.C. 1976).

*Hospital Affiliates International, Inc.* v. *Califano*, No. 77C 3088 (N.D. Ill. 1979).

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*Larouche* v. *F.B.I.*, No. 75 Civ. 6010 (S.D.N.Y. 1977), *subsequent decision sub nom.*, *Larouche* v. *Kelley*, 75 Civ. 6010 (S.D.N.Y. 1979).

*Metropolitan Life Insurance Co.* v. *Usery*, 426 F. Supp. 150 (D.D.C. 1976).

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*Parkridge Hospital* v. *Blue Cross and Blue Shield*, 430 F. Supp. 1030 (E.D. Tenn. 1977), *vacated with instructions to dismiss sub nom.*, *Parkridge Hospital* v. *Califano*, 1 Gov't. Disclosure (P-H) ¶ 80,102 (6th Cir. 1980).

*Pennzoil* v. *F.P.C.*, 534 F.2d 627 (5th Cir. 1976).

*The Permian Corp.* v. *United States*, 1 Gov't. Disclosure (P-H) ¶ 80,121 (D.D.C. 1980).

*Pharmaceutical Manufacturers Assoc.* v. *Weinberger*, 411 F. Supp. 576 (D.D.C. 1976).

*Pierce & Stevens Chemical Corp.* v. *United States*, 439 F. Supp. 247 (W.D.N.Y. 1977) *rev'd*, 585 F.2d 1382 (2d Cir. 1978).

*Planning Research Corp.* v. *E.P.C.*, 555 F.2d 970 (D.C. Cir. 1977).

*St. Mary's Hospital, Inc.* v. *Califano*, 462 F. Supp. 315 (S.D. Fla. 1979), *aff'd sub nom.*, *St. Mary's Hospital, Inc.* v. *Harris*, 604 F.2d 407 (5th Cir. 1979).

*Schwartz* v. *I.R.S.*, 75-1 U.S.T.C ¶ 9389 (D.D.C. 1974), *clarification ordered*, 511 F.2d 1303 (D.C. Cir. 1975).

*Sears, Roebuck & Co.* v. *Eckerd*, 575 F.2d 1197 (7th Cir. 1978), *vacated*, 441 U.S. 918 (1979).

*Superior Oil Co.* v. *Federal Energy Regulatory Com'n.*, 563 F.2d 191 (5th Cir. 1977).

*Syntax Corp.* v. *Califano*, No. 76-2193 (D.D.C. 1979).

*Thrift Drug Stores, Inc.* v. *F.T.C.*, 40 Ad. L.2d (P&F) 108 (D.D.C. 1976).

*Townsend* v. *Carter*, 476 F. Supp. 1070 (N.D. Tex. 1979).

*Union Oil Company of California* v. *F.P.C.*, 542 F.2d 1036 (9th Cir. 1976).

*United States* v. *Trucking Emp., Inc.*, 13 F.E.P. Cas. 376 (D.D.C. 1976).

*U.S. Steel Corp.* v. *Schlesinger*, 8 Empl. Prac. Dec. (CCH) ¶ 9717 (E.D. Va. 1974).

*United Tech. Corp.* v. *Marshall*, No. 78-8253-Civ. JE (S.D. Fla. 1978).

*United Tech. Corp.* v. *Marshall*, 464 F. Supp. 845 (D. Conn. 1979).

*Usery* v. *Whitin Machine Works, Inc.*, 412 F. Supp. 1019 (D. Mass. 1976), *rev'd and remanded*, 554 F.2d 498 (1st Cir. 1977).

*USS-OCF-W&M* v. *Eckard*, No. 76-1933 (D.D.C. 1976).

*Washington Hospital Center* v. *Mutual of Omaha*, No. 78-2485 (D.D.C. 1979).

*Westinghouse Electric Corp.* v. *Brown*, No. CV 78-3799-LEW (C.D. Cal. 1979).

*Westinghouse Electric Corp. Research and Development Center* v. *Brown*, 443 F. Supp. 1225 (E.D. Va. 1977).

*Westinghouse Electric Corp.* v. *Schlesinger*, 392 F. Supp. 1246 (E.D. Val. 1974), *aff'd*, 542 F.2d 1190 (4th Cir. 1976), *cert. denied*, 431 U.S. 924 (1977).

*Westinghouse Electric Corp.* v. *U.S. Nuclear Regulatory Com'n.*, 555 F.2d 82 (3d Cir. 1977).

## OVERVIEW LIST

The opinions listed below are suggested as basic reading for lawyers who are new to FOIA work or who are in need of a refresher in the field. It is not intended to be a list of leading cases. Rather, the purpose of the list is to provide a balanced introduction, and only an introduction, to the principal recurring issues in FOIA case law.

It should be emphasized that there are numerous areas of uncertainty in this field and that the interpretations set forth in the various opinions listed below may not be universally accepted or irrevocably settled.

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| Reverse FOIA case, (b)(4), discretionary release, 18 U.S.C. § 1905, 42 U.S.C. § 2000e, 44 U.S.C. § 3504 | Chrysler Corp. v. Schlesinger, 412 F. Supp. 171 (D. Del. 1976), vacated, 565 F.2d 1172 (3rd Cir. 1977), cert. granted sub nom., Chrysler Corp. v. Brown, 435 U.S. 914 (1978), rev'd, 441 U.S. 281 (1979), remanded, 611 F.2d 439 (3rd. Cir. 1979). |
| Agency records | Forsham v. Mathews, No. 75-1608 (D.D.C. 1976), aff'd sub nom., Forsham v. Califano, 587 F.2d 1128 (D.C. Cir. 1978), aff'd sub nom., Forsham v. Harris, __ U.S. __ (1980). |
| (a)(2)(A), (a)(3), (b)(4) | Grumman Aircraft Engineering Corp. v. Renegotiation Board, 421 U.S. 168 (1975). |
| (b)(1), equitable discretion, in camera inspection | Halperin v. Department of State, 565 F.2d 699 (D.C. Cir. 1977). |
| (b)(5), describing withheld records | Mead Data Central, Inc. v. Department of the Air Force, 402 F. Supp. 460 (D.D.C. 1975), remanded, 566 F.2d 242 (D.C. Cir. 1977), aff'd, 575 F.2d 932 (D.C. Cir. 1978). |
| (b)(5) | Montrose Chemical Corp. v. Train, 491 F.2d 63 (D.C. Cir. 1974). |
| (b)(4) | National Parks and Conservation Association v. Morton, 498 F.2d 765 (D.C. Cir. 1974). |
| (b)(5), (b)(7)(A), (b)(7)(C), (b)(7)(D), exhaustion of administrative remedies | Robbins Tire & Rubber Co. v. NLRB, 437 U.S. 214 (1978). |
| (b)(2), (b)(6), reasonably segregable | Rose v. Department of Air Force, 425 U.S. 352 (1976). |
| (a)(2), (b)(4), (b)(6), (b)(7) | Rural Housing Alliance v. U.S. Department of Agriculture, 498 F.2d 73 (D.C. Cir. 1974). |

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| (a)(2)(A), (b)(5), (b)(7) | *Sears, Roebuck & Co.* v. *NLRB*, 421 U.S. 132 (1975). |
| (b)(4), (b)(5) | *Soucie* v. *David*, 448 F.2d 1067 (D.C. Cir. 1971). |
| (a)(1), (a)(2), (b)(3), I.R.C. § 6130, 7213, (b)(4), (b)(5) | *Tax Analysts and Advocates* v. *I.R.S.*, 362 F. Supp. 1298 (D.D.C. 1973). |
| (b)(3), I.R.C. § 6130, 7213, (b)(5), (b)(6), (b)(7)(C), agency records | *Tax Reform Research Group* v. *I.R.S.*, 419 F. Supp. 415 (D.D.C. 1976). |
| (b)(2), (b)(5) | *Vaughn* v. *Rosen*, 523 F.2d 1136 (D.C. Cir. 1975). |
| (a)(2), (b)(4), (b)(5), (b)(6) | *Washington Research Project, Inc. v. H.E.W.*, 504 F.2d 238 (D.C. Cir. 1974). |
| (b)(6), similar files | *Wine Hobby, U.S.A., Inc.* v. *United States Bureau of Alcohol, Tobacco and Firearms*, 502 F.2d 133 (3rd. Cir. 1974). |
| (b)(5) | *Wu* v. *National Endowment for Humanities*, 460 F.2d 1030 (5th Cir. 1972), *cert. denied*, 410 U.S. 926 (1973). |

# PRIVACY ACT CASES

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| Amendments of records, request for access | Abramsky v. U.S. Consumer Product Safety Com'n., 478 F. Supp. 1040 (S.D.N.Y. 1979). |
| FOIA/PA interface | Adams v. F.B.I., No. 78-0849 (D.D.C. 1978). |
| Exemption (j)(1), request for access | Alford v. Central Intelligence Agency, 610 F.2d 348 (5th Cir. 1980). |
| Record (definition) | American Federation of Gov't. Emp. v. N.A.S.A., 482 F. Supp. 281 (S.D. Tex. 1980). |
| Exercise of 1st Amend. rights | American Fed. of Gov't. Emp., Etc. v. Schlesinger, 443 F. Supp. 431 (D.D.C. 1978). |
| Civil damages (adequacy of complaint) | American Fed. of Gov't. Emp. v. Veterans Administration, No. 79-2180 (D.D.C. 1979). |
| Privacy Act | American Federation of Gov't. Emp. v. Defense General Supply Center, No. 77-1145 (4th Cir. 1978). |
| Amendment of records (destruction) | American Friends Service Comm. v. Webster, No. 79-1655 (D.D.C. 1980). |
| Attorneys fees, request for access | Anderson v. U.S. Dept. of Treasury, No. 76-1404 (D.D.C. 1977), vacated (awards of attorneys fees) ___ F.2d ___ (D.C. Cir. 1979) (No. 78-1085). |
| Civil damages (unlawful disclosure), routine use | Ash v. United States, No. 77-434-Orl-Civ-R (M.D. Fla. 1979), aff'd., 608 F.2d 178 (5th Cir. 1979). |
| FOIA/PA interface, mailing lists | Aviation Data Services v. Federal Aviation Admin., No. 79-1079 (D. Kan. 1979). |
| Amendment of record | Bambulas v. Chief, United States Marshal, No. 77-3229 (D. Kan. 1979). |
| Attorneys fees | Barrett v. United States Customs Service, 482 F. Supp. 779 (E.D. La. 1980). |
| Attorneys fees | Barrett v. U.S. Customs Service, No. 77-3033 (E.D. La. 1979), aff'd, ___ F.2d ___ (5th Cir. 1980) (No. 79-2080). |

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| FOIA/PA interface | Basdekas v. Nuclear Regulatory Com'n., No. 78-0465 (D.D.C. 1978). |
| Amendment of records | Bashaw v. U.S. Dept. of Treasury, 468 F. Supp. 1195 (E.D. Wis. 1979). |
| Request for access | Bazelow v. Civil Service, 1 Gov't. Disclosure (P-H) ¶ 79,134 (S.D.N.Y. 1979). |
| Amendment of records | Blevins v. Plummer, __ F.2d __ (9th Cir. 1980) (No. 77-2163). |
| Civil damages (unlawful disclosure) | Bruce v. United States, 621 F.2d 914 (8th Cir. 1980). |
| Routine use | Burley v. U.S. Drug Enforcement Administration, 443 F. Supp. 619 (M.D. Tenn. 1977). |
| Confidential source, exemption ((k)(5)), amendment of records, civil damages (inaccurate records), request for access | Castle v. U.S. Civil Service Com'n., No. 77-1544 (D.D.C. 1979). |
| Individual (definition), no injunction against disclosure | Cell Associations v. Nat'l. Institutes, Etc., 579 F.2d 1155 (9th Cir. 1978). |
| Social security numbers | Chambers v. Klein, 419 F. Supp. 569 (D.N.J. 1976), aff'd mem. 564 F.2d 89 (3rd Cir. 1977). |
| Failure to exhaust under PA not BAR to 5th Amendment claim | Churchwell v. United States, 414 F. Supp. 499 (D.S.D. 1976), aff'd, 545 F.2d 59 (8th Cir. 1976). |
| Request for access | Crisafi v. Bell, 1 Gov't. Disclosure (P-H) ¶ 79,187 (M.D. Pa. 1979). |
| Amendment of records, confidential source, (k)(5), civil damages (inaccurate records) | Doe v. United States Civil Service Com'n., 483 F. Supp. 539 (S.D.N.Y. 1980). |
| Amendment of records, request for access | Dorl v. Levi, No. 75-2077 (D.N.J. 1977). |
| Individual (definition) | Dresser Industries, Inc. v. United States, 596 F.2d 1231 (5th Cir. 1979), cert. denied, 100 S.Ct. 731 (1980). |

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| Exemption (j)(2), FOIA/PA interface, request for access | Exner v. F.B.I., No. 76-89-S (S.D. Cal. 1976), remanded, 542 F.2d 1121 (9th Cir. 1976), decision on remand (S.D. Cal. 1977), attorneys fees, 443 F. Supp. 1349 (S.D. Cal. 1978), aff'd, 612 F.2d 1202 (9th Cir. 1980). |
| Maintain only essential information, collect from subject | Field v. Brown, 610 F.2d 981 (D.C. Cir. 1979). |
| Civil damages | Fiorentino v. United States, 607 F.2d 963 (Ct. Cl. 1979). |
| Individual (definition), injunction against disclosure, record (definition) | Florida Medical Ass'n. v. Dept. of Health, Etc., 454 F. Supp. 326 (M.D. Fla. 1978), vacated, 601 F.2d 199 (5th Cir. 1979), decision on remand, 479 F. Supp. 1291 (M.D. Fla. 1979). |
| FOIA/PA interface, amendments of records | Frank v. U.S. Dept. of Justice, 480 F. Supp. 596 (D.D.C. 1979). |
| Exemption (j)(2), request for access | Fratus v. United States Attorney, No. 78-833-Civ-WMH (S.D. Fla 1979). |
| Security investigation | Gallagher v. F.B.I., 1 Gov't. Disclosure (P-H) ¶ 79,136 (D.D.C. 1979). |
| Attorney fees, failure to exhaust administrative remedies | Gedden, Daiker, Manno, Brownell & Elder v. U.S. Postal Service, Nos. 76-331-2, 76-352-2, 78-15-1, 78-16-1, 78-199-1 (S.D. Iowa 1980). |
| (d)(1), routine use | Gorod v. I.R.S, No. 76-2822-MA (D. Mass. 1979). |
| Social security numbers | Green v. Philbrook, 427 F. Supp. 834 (D. Vt. 1977), rev'd, 576 F.2d 440 (2d Cir. 1978). |
| Privacy Act | Greene v. Veterans Administration, No. C-76-461-S (M.D.N.C. 1978). |
| FOIA/PA interface | Guerra v. Bell, No. 78-1509 (D.D.C. 1979). |
| Amendment of records | Hacopian v. Marshall, No. CV-78-0953-DWW (Px) (C.D. Cal. 1980). |
| No injunction against disclosure, system of records | Hanley v. U.S. Dept. of Justice, __ F.2d __ (6th Cir. 1980)(No. 78-3240). |
| Amendment of records, exhaustion of administrative remedies | Harper v. Kobelinski, No. 76-1460 (D.D.C. 1977), rev'd, 589 F.2d 721 (D.C. Cir. 1978). |

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| Adverse effect, civil damages (unlawful disclosure), routine use | Harper v. United States, 423 F. Supp. 192 (D.S.C. 1976). |
| Civil damages, collection notice ((e)(3)), record (definition) | Houston v. I.R.S., No. 78-0541 (D.D.C. 1979). |
| Exemption (k)(2), exercise of 1st Amend. rights, FOIA/PA interface | Irons v. Levi, 451 F. Supp. 751 (D. Mass. 1978), vacated sub nom., Irons v. Bell, 596 F.2d 468 (1st Cir. 1979), decision on remand sub nom., Irons v. Civiletti, No. 76-963-S (D. Mass. 1980). |
| Exercise of 1st Amend. rights, civil damages | Jabara v. Kelley, 476 F. Supp. 561 (E.D. Mich. 1979). |
| Amendments of records, attorneys fees | Kennedy v. Andrus, 459 F. Supp. 240 (D.D.C. 1978). |
| Civil damages (unlawful disclosure) | King v. Califano, 471 F. Supp. 180 (D.D.C. 1979). |
| Obtaining record under false pretenses | Lapin v. Taylor, 475 F. Supp. 446 (D. Hawaii 1979). |
| Confidential source (k)(s) | Larry v. Lawler, 413 F. Supp. 185 (N.D. Ill. 1976), vacated, 605 F.2d 954 (7th Cir. 1978). |
| Amendment of records, failure to exhaust administrative remedies | Larsen v. Hoffman, 444 F. Supp. 245 (D.D.C. 1977). |
| Routine use | Local 2047, Am. Fed. of Gov't. Emp. v. Def. Gen. Sup., 423 F. Supp. 481 (E.D. Va. 1976), aff'd, 573 F.2d 184 (4th Cir. 1978). |
| Civil damages (unlawful disclosure) | Lydia v. United States Army, No. 78-69 (D.S.C. 1979). |
| Agency records, civil damages (inaccurate records) | Machen v. U.S. Army, No. 78-582 (D.D.C. 1979). |
| Exemption (j)(2), request for access | Maher v. Bureau of Prisons, No. EP-78-CA-14, No. EP-78-CA-6 (W.D. Tex. 1980). |
| (b)(11), count of competent jurisdiction | Marchiondo v. Traub, No. 12740 (N.M. 1979). |
| Social security numbers | McElrath v. Califano, 615 F.2d 434 (7th Cir. 1980). |
| Civil remedies (not retroactive) | Meisch v. U.S. Army, 435 F. Supp. 341 (E.D. Mo. 1977), aff'd, 566 F.2d 1178 (8th Cir. 1977). |

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| Privacy Act | *McNeal* v. *Dept. of Justice*, No. 6-70890 (E.D. Mich. 1976). |
| Exemption (k)(5), request for access | *Mervin* v. *Bonfanti*, 410 F. Supp. 1205 (D.D.C. 1976). |
| Amendment of records | *Mervin* v. *Federal Trade Com'n.*, 591 F.2d 821 (D.C. Cir. 1978). |
| FOIA/PA interface | *Miller* v. *Webster*, No. 77 C 3331 (N.D. Ill. 1979). |
| FOIA/PA interface | *Mills* v. *McCreight*, No. 78-2168 (D.D.C. 1979). |
| Civil damages, system of records | *Nichols* v. *Mears*, No. S-76-633 PWC (E.D. Cal. 1979). |
| Individual (definition) | *OKC Corp.* v. *Williams*, 461 F. Supp. 540 (N.D. Tex. 1978). |
| Amendment of records, exemption (j)(2), waiver of exemption (administrative action) | *Pacheo* v. *F.B.I.*, 470 F. Supp. 1091 (D.P.R. 1979). |
| FOIA/PA interface | *Painter* v. *F.B.I.*, No. C78-682A (N.D. Ga. 1979), *rev'd. in part*, 615 F.2d 684 (5th Cir. 1980). |
| Civil damages (unlawful disclosure), intra-agency disclosures, no injunction against disclosure, routine use | *Parks* v. *I.R.S.*, 618 F.2d 677 (10th Cir. 1980). |
| FOIA/PA interface, injunction against disclosure | *Providence Journal Co.* v. *F.B.I.*, 460 F. Supp. 762 (D.R.I. 1978), *subsequent decision*, 460 F. Supp. 778 (D.R.I. 1978), *rev'd. on other grounds*, 602 F.2d 1010 (1st Cir. 1979). |
| Amendment of records, failure to exhaust administrative remedies | *Pruett* v. *Levi*, No. 76-99-NA-CV (M.D. Tenn. 1978), *aff'd*, __ F.2d __ (6th Cir. 1980)(No. 78-1089). |
| Individual (definition) | *Raven* v. *Panama Canal Co.*, 583 F.2d 169 (5th Cir. 1978). |
| Amendment of records, civil damages (inaccurate records) | *R. R.* v. *Dept of Army*, 482 F. Supp. 770 (D.D.C. 1980). |
| Court records sealed | *Reeves* v. *U.S. Dept. of Justice*, No. 78-0329 (D. Hawaii 1978). |
| Civil damages (not against individuals) | *Rowe* v. *State of Tenn.*, 431 F. Supp. 1257 (E.D. Tenn. 1977), *vacated on other grounds*, 609 F.2d 259 (6th Cir. 1979). |

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| Civil damages (unlawful disclosure), exemption from access provision, exemption from civil remedies provision, FOIA/PA interface | Ryan v. Dept. of Justice, 595 F.2d 954 (4th Cir. 1979). |
| Amendment of records, civil damages (unlawful disclosure) | Savarese v. H.E.W., 1 Gov't. Disclosure (P-H) ¶ 79,150 (N.D. Ga. 1979). |
| Exemption (k)(2) | Schacht v. F.B.I., No. 77-0269-N (S.D. Cal. 1979). |
| Amendment of records, exhaustion of administrative remedies | Schuler v. United States, No. 77-2187 (D.D.C. 1978), rev'd. on other grounds, 617 F.2d 605 (D.C. Cir. 1979). |
| Order of a court of competent jurisdiction | Segar v. Bell, No. 77-0081 (D.D.C. 1978). |
| Individual (definition), record (definition), request for access | Shermco Industries, Inc. v. Sec. of U.S. Air Force, 452 F. Supp 306 (N.D. Tex. 1978), rev'd. on other grounds, 613 F.2d 1314 (5th Cir. 1980). |
| Compiled in reasonable anticipation of civil litigation, FOIA/PA interface, request for access standards of accuracy, system of records (definition) | Smiertka v. U.S. Dept. of Treasury, 447 F. Supp. 221 (D.D.C. 1978), remanded, 604 F.2d 698 (D.C. Cir. 1979). |
| FOIA/PA interface | Smith v. Flaherty, 465 F. Supp. 815 (M.D. Pa. 1978). |
| Failure to exhaust administrative remedies, request for access (medical records) | Smith v. U.S. Sec. of the Army, No. 79-453-N (M.D. Ala. 1979). |
| Order of a court of competent jurisdiction, routine use | Stiles v. Atlanta Gas Light Co., 453 F. Supp. 798 (N.D. Ga. 1978). |
| Exemption (k)(5) | Swann v. U.S. Dept. of Justice, No. CV78-1368-WE (Px)(C.D. Cal. 1978). |
| Civil damages | Taylor v. Califano, No. 77-A 439 (D. Colo. 1978). |
| FOIA/PA interface | Tennessean Newspaper, Inc., v. Levi, 403 F. Supp. 1318 (M.D. Tenn. 1975). |
| FOIA/PA interface | Terkel v. Kelly, No. 76 C 1626 (N.D. Ill. 1978), aff'd, 599 F.2d 214 (7th Cir. 1979), cert. denied, 100 S.Ct. 662 (1980). |

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| Failure to maintain timely/complete records | Townsend v. Carter, 476 F. Supp. 1070 (N.D. Tex. 1979). |
| Amendment of records | Turner v. Dept. of Army, 447 F. Supp. 1207 (D.D.C. 1978). |
| FOIA/PA interface, order of a court of competent jurisdiction | United States v. Brown, 562 F.2d 1144 (9th Cir. 1977). |
| FOIA/PA interface | United States v. Flood, 462 F. Supp. 99 (D.D.C. 1978). |
| Exemption (k)(2), individual (definition) | Utah-Ohio Gas & Oil v. S.E.C., 1 Gov't. Disclosure (P-H) ¶ 80,038 (D. Utah 1980). |
| Amendment of records, exemption (j)(2) | Varona Pacheco v. F.B.I., 456 F. Supp. 1024 (D.P.R. 1978). |
| Record (definition), request for access | Voelker v. I.R.S., 489 F. Supp. 40 (E.D. Mo. 1980). |
| Exemption (k)(5) | Volz v. U.S. Dept. of Justice, No. CIV-77-0635-E (W.D. Okla. 1978). |
| Order of a court of competent jurisdiction | Weahkee v. Norton, 621 F.2d 1080 (10th Cir. 1980). |
| System of records | Webber v. United States, No. CV 78-1473-R(s) (C.D. Cal. 1979). |
| Amendment of records, record (definition) | White v. United States Civil Serv. Com'n., 589 F.2d 713 (D.C. Cir. 1978), cert. denied, 100 S.Ct. 58 (1979). |
| Amendment of records, exemption (k)(2) | Wohlgemuth v. I.R.S., 1 Gov't. Disclosure (P-H) ¶ 80,117 (N.D. Ohio 1980). |
| Amendment of records, FOIA/PA interface, record (definition), request for access | Zeller v. United States, 467 F. Supp. 487 (E.D.N.Y,. 1979). |
| Civil damages (unlawful disclosure) | Zerilli v. Bell, 458 F. Supp. 26 (D.D.C. 1978). |

## FEDERAL ADVISORY COMMITTEE ACT

Aviation Consumer Action Project v. Washburn, 535 F.2d 101 (D.C. Cir. 1976).

Food Chemical News v. Davis, 378 F. Supp. 1048 (D.D.C. 1974).

Wader v. Dunlop, 370 F. Supp. 177 (D.D.C. 1973).

Wolfe v. Weinberger, 403 F. Supp. 238 (D.D.C. 1975).

# SUNSHINE ACT CASES

Communications Systems, Inc. v. F.C.C., 595 F.2d 797 (D.C. Cir. 1978).

Consolidated Aluminum Corp. v. T.V.A., 462 F. Supp. 464 (M.D. Tenn. 1978).

Graphnet, Inc. v. U.S. Postal Service, 1 Gov't. Disclosure (P-H) ¶ 80,039 (D.D.C. 1980).

Hunt v. Nuclear Regulatory Com'n., 468 F. Supp. 817 (N.D. Okla. 1979), aff'd, 611 F.2d 332 (10th Cir. 1979), cert. denied, __ U.S. __ (1980).

Nat'l. Retired Teachers Ass'n. v. U.S. Postal Service, 593 F.2d 1360 (D.C. Cir. 1979).

Symons v. Chrysler Corp. Loan Guarantee Board, No. 80-1036 (D.D.C.1980).

United States v. Rankin, 616 F.2d 1168 (10th Cir. 1980).

## APPENDIX E -- LAW REVIEW ARTICLES

### PRE-1970

*Comments on Proposed Amendments to Section 3 of the Administrative Procedure Act: The Freedom of Information Bill*, 40 *Notre Dame L. Rev*. 417 (1965).

Uretz, *Freedom of Information Act and the IRS*, 20 *Ark. L. Rev*. 283 (1967).

Sexton, *New Law Changes Rules on What Information IRS Must Disclose; Confusion Likely*, 26 *J. Taxation* 120 (1967).

*Panel Discussion on Freedom of Information Act at Midyear Meeting*, 20 *ABA Sect. Tax Bull*. 43 (1967).

Paul, *Access to Rules and Records of Federal Agencies; The Freedom of Information Act*, 42 *Los Angeles Bar Bull*. 459 (1967).

Note, *Aircraft Accident Investigation Records* - *Freedom of Information Act*, 33 *J. Air L*. 490 (1967).

Bennett, *Freedom of Information Act*, *Is It a Clear Public Records Law?*, 34 *Brooklyn L. Rev*. 72 (1967).

Note, *Freedom of Information*: *The Statute and the Regulations*, 56 *Geo. L.J*. 18 (1967).

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Sobeloff, *New Freedom of Information Act: What it Means to Tax Practitioners*, 27 *J. Taxation* 130 (1967).

Cambell, *Public Access to Government Documents*, 41 *Aust. L.J*. 73 (1967).

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Eaton and Lynch, *Tax Practice As Affected By the Freedom of Information Retrieval System*, 17 *Tul. Tax Inst*. 405 (1967).

Mamana, *FDA's Obligations Under the 1966 Public Information Act*, 22 *Food Drug Cosm. L.J*. 563 (1967).

Sky, *Agency Implementation of the Freedom of Information Act*, 20 *Adm. L. Rev*. 445 (1968).

Note, *Federal Freedom of Information Act As an Aid to Discovery*, 54 *Ia. L. Rev*. 141 (1968).

Stewart and Ward, FTC Discovery: Depositions, the Freedom of Information Act and Confidential Informants, 37 ABA Antitrust L.J. 248 (1968).

Caron, Federal Procurement and the Freedom of Information Act, 28 Fed. B.J. 271 (1968).

Note, Freedom of Information Act: Access to Law, 36 Fordham L. Rev. 765 (1968).

Schmidt, Freedom of Information Act and the Internal Revenue Service, 20 So. Cal. Tax Inst. 79 (1968).

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Note, The Information Act: Judicial Enforcement of the Records Provision, 54 U. Va. L. Rev. 466 (1968).

Dobkin, Release of Government Owned Technical Data Under the Freedom of Information Law: Between Scylla and Charybdis, 14 Vill. L. Rev. 74 (1968).

Workshop on Practice and Procedures, 35 ICC Prac. J. 969 (1968).

Current decision, Farrell v. Ignatius, 34 J. Air. L. 312 (1968).

Note, The Freedom of Information Act: A Critical Review, 38 Geo. Wash. L. Rev. 150 (1969).

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## THE FREEDOM OF INFORMATION ACT

### 5 U.S.C. § 552

§ 552. Public Information: agency rules, opinions, orders, records, and proceedings

(a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public -

(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

(2) Each agency, in accordance with published rules, shall make available for public inspection and copying-

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; and

(C) administrative staff manuals and instructions to staff that affect a member of the public;

unless the materials are promptly published and copies offered for sale. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction. However, in each case the justification for the deletion shall be explained fully in writing. Each agency shall also maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. Each agency shall promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of each index or supplements thereto unless it determines by order published in the Federal Register that the publication would be unnecessary and impracticable, in which case the agency shall nonetheless provide copies of such index on request at a cost not to exceed the direct cost of duplication. A final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects a member of the public may be relied on, used, or cited as precedent by an agency against a party other than an agency only if -

(i) it has been indexed and either made available or published as provided by this paragraph; or

(ii) the party has actual and timely notice of the terms of thereof.

(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, upon any request for records which (A) reasonably describes such records and (B) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person.

(4)(A) In order to carry out the provisions of this section, each agency shall promulgate regulations, pursuant to notice and receipt of public comment, specifying a uniform schedule of fees applicable to all constituent units of such agency. Such fees shall be limited to reasonable standard charges for document search and duplication and provide for recovery of only the direct costs of such search and duplication. Documents shall be furnished without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

(B) On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo, and may examine the contents of such agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section, and the burden is on the agency to sustain its action.

(C) Notwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection within thirty days after service upon the defendant of the pleading in which such complaint is made, unless the court otherwise directs for good cause shown.

(D) Except as to cases the court considers of greater importance, proceedings before the district court, as authorized by this subsection, and appeals therefrom, take precedence ont he docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(E) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.

(F) Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether the agency personnel acted arbitrarily or capriciously with respect to the withholding, the Special Counsel shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Special Counsel, after investigation and consideration of the evidence submitted, shall submit his findings and recommendations to the adminstrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Special Counsel recommends.*/

(G) In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member.

(5) Each agency having more than one member shall maintain and make available for public inspection a record of the final votes of each member in every agency proceeding.

(6)(A) Each agency, upon any request for records made under paragraph (1), (2), or (3) of this subsection, shall -

(i) determine within ten days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and thereasons therefor, and of the right of such person to appeal to the head of the agency any adverse determination; and

(ii) make a determination with respect to any appeal within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal. If on appeal the denial of the request for records is in whole or in part upheld, the agency shall notify the person making such request of the provisions for judicial review of that determination under paragraph (4) of this subsection.

(B) In unusual circumstances as specified in this subparagraph, the time limits prescribed in either clause (i) or clause (ii) of subparagraph (A) may be extended by written notice to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days. As used in this subparagraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request - -

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*/ Public Law 95-454-Oct. 13, 1978

(i) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(C) Any person making a request to any agency for records under paragraph (1), (2), or (3) of this subsection shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with the applicable time limit provisions of this paragraph. If the Government can show exceptional circumstances exist and that the agency is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records. Upon any determination by an agency to comply with a request for records, the records shall be made promptly available to such person making such request. Any notification of denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request.

(b) This section does not apply to matters that are -

(1)(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;

(2) related solely to the internal personnel rules and practices of an agency;

(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statues (A) requires that the matters be withheld form the public in such a manner as to leave no discretion on the issue, or (B) establishes particular cirteria for withholding or refers to particular types of matters to be withheld;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly

unwarranted invasion of personal privacy;

(7) investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) geological and geophysical information and data, including maps, concerning wells.

Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection.

(c) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress.

(d) On or before March 1 of each calendar year, each agency shall submit a report covering the preceding year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report shall include - -

(1) the number of determinations made by such agency not to comply with requests for records made to such agency under subsection (a) and the reasons for each such determination;

(2) the number of appeals made by persons under subsection (a)(6), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;

(3) the names and titles or positions of each person responsible for the denial of records requested under this section, and the number of instances of participation for each;

(4) the results of each proceeding conducted pursuant to subsection (a)(4)(F), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(5) a copy of every rule made by such agency regarding this section;

(6) a copy of the fee schedule and the total amount of fees collected by the agency for making records available under this section; and

(7) such other information as indicates efforts to adminster fully this section.

The Attorney General shall submit an annual report on or before March 1 of each calendar year which shall include for the prior calendar year a listing of the number of cases arising under this section, the exemption involved in each case, the disposition of such case, and the cost, fees, and penalties assessed under subsections (a)(4)(E), (F), and (G). Such report shall also include a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.

(e) For purposes of this section, the term "agency" as defined in section 551(1) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

# THE PRIVACY ACT

## 5 U.S.C. § 552a

### § 552a. Records maintained on individuals.

(a) Definitions

For purposes of this section -

(1) the term "agency" means agency as defined in section 552(e) of this title;

(2) the term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(3) the term "maintain" includes maintain, collect, use or disseminate;

(4) the term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(5) the term "system of records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(6) the term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of title 13; and

(7) the term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(b) Conditions of disclosure

No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be -

(1) to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

(2) required under section 552 of this title;

(3) for a routine use as defined in subsection (a)(7) of this section and described under subsection (e)(4)(D) of this section;

(4) to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

(5) to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) pursuant to the order of a court of competent jurisdiction.

(c) Accounting of certain disclosures

Each agency, with respect to each system of records under its control shall -

(1) except for disclosures made under subsections (b)(1) or (b)(2) of this section, keep an accurate accounting of -

(A) the date, nature, and purpose of each disclosure of a record to any person or to another agency made under subsection (b) of this section; and

(B) the name and address of person or agency to whom the disclosure is made;

(2) retain the accounting made under paragraph (1) of this subsection for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made;

(3) except for disclosures made under subsection (b)(7) of this section, make the accounting made under paragraph (1)

of this subsection available to the individual named in the record at his request; and

(4) inform any person or other agency about any correction or notation of dispute made by the agency in accordance with subsection (d) of this section of any record that has been disclosed to the person or agency if an accounting of the disclosure was made.

(d) Access to records

Each agency that maintains a system of records shall -

(1) upon request by any individual to gain access to his record or to any information pertaining to him which is contained in the system, permit him and upon his request, a person of his own choosing to accompany him, to review the record and have a copy made of all or any portion thereof in a form comprehensible to him, except that the agency may require the individual to furnish a written statement authorizing discussion of that individual's record in the accompanying person's presence;

(2) permit the individual to request amendment of a record pertaining to him and -

(A) not later than 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of such request, acknowledge in writing such receipt; and

(B) promptly, either -

(i) make any correction of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(ii) inform the individual of its refusal to amend the record in accordance with his request, the reason for the refusal, the procedures established by the agency for the individual to request a review of that refusal by the head of the agency or an officer designated by the head of the agency, and the name and business address of that official;

(3) permit the individual who disagrees with the refusal of the agency to amend his record to request a review of such refusal, and not later than 30 days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the head of the agency extends such 30-day period; and if, after his review, the reviewing official also refuses to amend the record in accordance with the request, permit the individual to file with the agency a concise statement setting forth the reasons for his disagreement with the refusal of the agency, and notify the individual of the provisions for judicial review of the reviewing official's determination under subsection (g)(1)(A) of this section;

(4) in any disclosure, containing information about which the individual has filed a statement of disagreement, occurring after the filing of the statement under paragraph (3)

of this subsection, clearly note any portion of the record which is disputed and provide copies of the statement and, if the agency deems it appropriate, copies of a concise statement of the reasons of the agency for not making the amendments requested, to persons or other agencies to whom the disputed record has been disclosed; and

(5) nothing in this section shall allow an individual access to any information compiled in reasonable anticipation of civil action or proceeding.

(e) Agency requirements

Each agency that maintains a system of records shall -

(1) maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President;

(2) collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs;

(3) inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual -

(A) the authority (whether granted by statute, or by executive order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(B) the principal purpose or purposes for which the information is intended to be used;

(C) the routine uses which may be made of the information, as published pursuant to paragraph (4)(D) of this subsection; and

(D) the effects on him, if any, of not providing all or any part of the requested information;

(4) subject to the provisions of paragraph (11) of this subsection, publish in the Federal Register at least annually a notice of the existence and character of the system of records, which notice shall include -

(A) the name and location of the system;

(B) the categories of individuals on whom records are maintained in the system;

(C) the categories of records maintained in the system;

(D) each routine use of the records contained in the system, including the categories of users and the purpose of such use;

(E) the policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;

(F) the title and business address of the agency official who is responsible for the system of records;

(G) the agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

(H) the agency procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its content; and

(I) the categories of sources of records in the system;

(5) maintain all records which are used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination;

(6) prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to subsection (b)(2) of this section, make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for agency purposes;

(7) maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity;

(8) make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record;

(9) establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and the requirements of this section, including any other rules and procedures adopted pursuant to this section and the penalties for noncompliance;

(10) establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained; and

(11) at least 30 days prior to publication of information under paragraph (4)(D) of this subsection, publish in the

Federal Register notice of any new use or intended use of the information in the system, and provide an opportunity for interested persons to submit written data, views, or arguments to the agency.

(f) Agency rules

In order to carry out the provisions of this section, each agency that maintains a system of records shall promulgate rules, in accordance with the requirements (including general notice) of section 553 of this title, which shall -

(1) establish procedures whereby an individual can be notified in response to his request if any system of records named by the individual contains a record pertaining to him;

(2) define reasonable times, places, and requirements for identifying an individual who requests his record or information pertaining to him before the agency shall make the record or information available to the individual;

(3) establish procedures for the disclosure to an individual upon his request of his record or information pertaining to him, including special procedure, if deemed necessary, for the disclosure to an individual of medical records, including psychological records pertaining to him;

(4) establish procedures for reviewing a request from an individual concerning the amendment of any record or information pertaining to the individual, for making a determination on the request, for an appeal within the agency of initial adverse agency determination, and for whatever additional means may be necessary for each individual to be able to exercise fully his rights under this section; and

(5) establish fees to be charged, if any, to any individual for making copies of his record, excluding the cost of any search for and review of the record.

The Office of the Federal Register shall annually compile and publish the rules promulgated under this subsection and agency notices published under subsection (e)(4) of this section in a form available to the public at low cost.

(g)(1) Civil remedies

Whenever any agency

(A) makes a determination under subsection (d)(3) of this section not to amend an individual's record in accordance with his request, or fails to make such review in conformity with that subsection;

(B) refuses to comply with an individual request under subsection (d)(1) of this section;

(C) fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities of, or benefits to the individual that may be made on the basis of such record, and consequently a determination is made which is adverse to the individual; or

(D) fails to comply with any other provision of this section, or any rule promulgated thereunder, in such a way as to have an adverse effect on an individual,

the individual may bring a civil action against the agency, and the district courts of the United States shall have jursidiction in the matters under the provisions of this subsection.

(2)(A) In any suit brought under the provisions of subsection (g)(1)(A) of this section, the court may order the agency to amend the individual's records in accordance with this request or in such other way as the court may direct. In such a case the court shall determine the matter de novo.

(B) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this paragraph in which the complainant has substantially prevailed.

(3)(A) In any suit brought under the provisions of subsection (g)(1)(B) of this section, the court may enjoin the agency from withholding the records and order the production to the complainant of any agency records improperly withheld from him. In such case the court shall determine the matter de novo, and may examine the contents of any agency records in camera to determine whether the records or any portion thereof may be withheld under any of the exemptions set forth in subsection (k) of this section, and the burden is on the agency to sustain its action.

(B) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this paragraph in which the complainant has substantially prevailed.

(4) In any suit brought under the provision of subsection (g)(1)(C) or (D) of this section in which the court determines that the agency acted in a manner which was intentional or willful, the United States shall be liable to the individual in an amount equal to the sum of -

(A) actual damages sustained by the individual as a result of the refusal or failure, but in no case shall a person entitled to recovery receive less than the sum of $1,000; and

(B) the costs of the action together with reasonable attorney fees as determined by the court.

(5) An action to enforce any liability created under this section may be brought in the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, without regard to the amount in the controversy, within two years from the date on which the cause of action arises, except that where an agency has materially and willfully misrepresented any information required under this section to be disclosed to an individual and the information so misrepresented is material to establishment of the liability of the agency to the individual under this section, the action may be brought at any time within two years after discovery by the individual of the misrepresetation. Nothing in this section shall be construed to authorize any civil action by reason of any injury sustained as the result of disclosure of a record prior to September 27, 1975.

(h) Rights of legal guardians

For the purposes of this section, the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual.

(i)(1) Criminal penalties

Any officer or employee of an agency, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section or by rules or regulations established thereunder, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than $5,000.

(2) Any officer or employee of any agency who willfully maintains a system of records without meeting the notice requirements of subsection (e)(4) of this section shall be guilty of a misdemeanor and fined not more than $5,000.

(3) Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than $5,000.

(j) General exemptions

The head of any agency may promulgate rules, in accordance with the requirements (including general notice) of section 553(b)(1), (2), and (3), (c), and (e) of this title, to exempt any system of records within the agency from any part of this section except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i) if the system of records is -

(1) maintained by the Central Intelligence Agency; or

(2) maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities, and which consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (B) information compiled for the purpose of criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision.

At the time rules are adopted under this subsection, the agency shall include in the statement required under section 553(c) of this title, the reasons why the system of records is to be exempted from a provision of this section.

(k) Specific exemptions

The head of any agency may promulgate rules, in accordance with the requirements (including general notice) of sections 553(b)(1), (2), and (3), (c), and (e) of this title, to exempt any system of records within the agency from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of this section if the system of records is -

(1) subject to the provisions of section 552(b)(1) of this title;

(2) investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of this section; Provided, however, That if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

(3) maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of title 18;

(4) required by statute to be maintained and used solely as statistical records;

(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

(6) testing or examiniation material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process; or

(7) evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of the source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

At the time rules are adopted under this subsection, the agency shall include in the statement required under section 553(c) of this title, the reasons why the system of records is to be exempted from a provision of this section.

(l)(1) Archival records

Each agency record which is accepted by the Administrator of General Services for storage, processing, and servicing in accordance with section 3103 of title 44 shall, for the purposes of this section, be considered to be maintained by the agency which deposited the record and shall be subjected to the provisions of this section. The Administrator of General Services shall not disclose the record except to the agency which maintains the record, or under rules established by that agency which are not inconsistent with the provisions of this section.

(2) Each agency record pertaining to an identifiable individual which was transferred to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, prior to the effective date of this section, shall for the purpose of this section, be considered to be maintained by the National Archives and shall not be subject to the provisions of this section, except that a statement generally describing such records (modeled after the requirements relating to records subject to subsections (e)(4)(A) through (G) of this section) shall be published in the Federal Register.

(3) Each agency record pertaining to an identifiable individual which is transferred to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued presevation by the United States Government, on or after the effective date of this section, shall, for the purposes of this section, be considered to be maintained by the National Archives and shall be exempt from the requirements of this section except subsections (e)(4)(A) through (G) and (e)(9) of this section.

(m) Government contractors

When an agency provides by a contract for the operation by or on behalf of the agency of a system of records to accomplish an agency function, the agency shall, consistent with its authority, cause the requirements of this section to be applied to such system. For purposes of subsection (i) of this section any such contractor and any employee of such contractor, if such contract is agreed to on or after the effective date of this section, shall be considered to be an employee of an agency.

(n) Mailing lists

An individual's name and address may not be sold or rented by an agency unless such action is specifically authorized by law. This provision shall not be construed to require the withholding of names and addresses otherwise permitted to be made public.

(o) Report on new systems

Each agency shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any system of records in order to permit an evaluation of the probable or potential effect of such proposal on the privacy and other personal or property rights of individuals or the disclosure of information relating to such individuals, and its effect on the preservation of the constitutional principles of federalism and separation of powers.

(p) Annual report

The President shall submit to the Speaker of the House and the President of the Senate, by June 30 of each calendar year, a consolidated report, separately listing for each Federal agency the number of records contained in any system of records which were exempted from the application of this section under the provisions of subsections (j) and (k) of this section during the preceding calendar year, and the reasons for the exemptions, and such other information as indicates efforts to administer fully this section.

**(q) Effect of other laws**

No agency shall rely on any exemption contained in section 552 of this title to withhold from an individual any record which is otherwise accessible to such individual under the provisions of this section.

The following sections were originally part of the Privacy Act but were not codified:

Sec. 6 The Office of Management and Budget shall -

(1) develop guidelines and regulations for the use of agencies in implementing the provisions of section 552a of title 5, United States Code, as added by section 3 of this Act; and

(2) provide continuing assistance to and oversight of the implementation of the provisions of such section by agencies.

Sec. 7 (a)(1) It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.

(2) the provisions of paragraph (1) of this subsection shall not apply with respect to -

(A) any disclosure which is required by Federal statute, or

(B) any disclosure of a social security number to any Federal, State, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.

(b) Any Federal, State or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

# FEDERAL ADVISORY COMMITTEE ACT

## 5 U.S.C. - Appendix

### § 1. Short title

This Act may be cited as the "Federal Advisory Committee Act".

### § 2. Findings and purpose

(a) The Congress finds that there are numerous committees, boards, commissions, councils, and similar groups which have been established to advise officers and agencies in the executive branch of the Federal Government and that they are frequently a useful and beneficial means of furnishing expert advice, ideas, and diverse opinions to the Federal Government.

(b) The Congress further finds and declares that --

(1) the need for many existing advisory committees has not been adequately reviewed;

(2) new advisory committees should be established only when they are determined to be essential and their number should be kept to the minimum necessary;

(3) adivsory committees should be terminated when they are no longer carrying out the purposes for which they were established;

(4) standards and uniform procedures should govern the establishment, operation, administration, and duration of advisory committees;

(5) the Congress and the public should be kept informed with respect to the number, purpose, membership, activities, and cost of advisory committees; and

(6) the function of advisory committees should be advisory only, and that all matters under their consideration should be determined, in accordance with law, by the official, agency, or officer involved.

### § 3. Definitions

For the purpose of this Act --

(1) The term "Director" means the Director of the Office of Management and Budget.

(2) The term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof (hereafter in this paragraph referred to as "committee"),

which is --

(A) established by statute or reorganization plan, or

(B) established or utilized by the President, or

(C) established or utilized by one or more agencies,

in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government, except that such term excludes (i) the Advisory Commission on Intergovernmental Relations, (ii) the Commission on Government Procurement, and (iii) any committee which is composed wholly of full-time officers or employees of the Federal Government.

(3) The term "agency" has the same meaning as in section 551(1) of Title 5.

(4) The term "Presidential advisory committee" means an advisory committee which advises the President.

§ 4. Applicability; restrictions

(a) The provisions of this Act or of any rule, order, or regulation promulgated under this Act shall apply to each advisory committee except to the extent that any Act of Congress establishing any such advisory committee specifically provides otherwise.

(b) Nothing in this Act shall be construed to apply to any advisory committee established or utilized by --

(1) the Central Intelligence Agency; or

(2) the Federal Reserve System.

(c) Nothing in this Act shall be construed to apply to any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies.

§ 5. Responsibilities of Congressional committees; review; guidelines

(a) In the exercise of its legislative review function, each standing committee of the Senate and House of Representatives shall make a continuing review of the activities of each advisory committee under its jurisdiction to determine whether such advisory committee should be abolished or merged with any other advisory committee, whether the responsibilities of such advisory committee should be revised, and whether such advisory committee performs a necessary function not already being performed. Each such standing committee shall take appropriate action to obtain the enactment of legislation necessary to carry out the purpose of this subsection.

(b) In considering legislation establishing, or authorizing the establishment of any advisory committee, each standing committee of the Senate and of the House of Representatives shall determine, and report such determination to the Senate or to the House of Representatives, as the case may be, whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory comittee. Any such legislation shall --

(1) contain a clearly defined purpose for the advisory committee;

(2) require the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee;

(3) contain appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee's independent judgment;

(4) contain provisions dealing with authorization of appropriations, the date for submission of reports (if any), the duration of the advisory committee, and the publications of reports and other materials, to the extent that the standing committee determines the provisions of section 10 of this Act to be inadequate; and

(5) contain provisions which will assure that the advisory committee will have adequate staff (either supplied by an agency or employed by it), will be provided adequate quarters, and will have funds available to meet its other necessary expenses.

(c) To the extent they are applicable, the guidelines set out in subsection (b) of this section shall be followed by the President, agency heads, or other Federal officials in creating an advisory committee.

### § 6. Responsibilities of the President; report to Congress; annual report to Congress; exclusion

(a) The President may delegate responsibility for evaluating and taking action, where appropriate, with respect to all public recommendations made to him by the Presidential advisory committees.

(b) Within one year after a Presidential advisory committee has submitted a public report to the President, the President or his delegate shall make a report to the Congress stating either his proposals for action or his reasons for inaction, with respect to the recommendations contained in the public report.

(c) The President shall, not later than March 31 of each calendar year (after the year in which this Act is enacted), make an annual report to the Congress on the activities, status, and changes in the composition of advisory committees in existence during the preceding calendar year. The report shall contain the name of every advisory committee, the date of and authority for its creation, its termination date or the date it is to make a report, its functions, a reference to the reports it has submitted, a statement of whether it is an ad hoc or continuing body, the dates of its meetings, the names and occupations of its current members, and the total estimated annual cost to the United States to fund, service, supply, and maintain such committee. Such report shall include a list of those advisory committees abolished by the President, and in the case of advisory committees established by statute, a list of those advisory committees which the President recommends be abolished together with his reasons therefor. The President shall exclude from this report any information which, in his judgment, should be withheld for reasons of national security, and he shall include in such report a statement that such information is excluded.

§ 7. Responsibilities of the Director, Office of Management and Budget; Committee Management Secretariat, establishment; review; recommendations to President and Congress; agency cooperation; performance guidelines; uniform pay guidelines; travel expenses; expense recommendations

(a) The Director shall establish and maintain within the Office of Management and Budget a Committee Management Secretariat, which shall be responsible for all matters relating to advisory committees.

(b) The Director shall, immediately after October 6, 1972, institute a comprehensive review of the activities and responsibilities of each advisory committee to determine --

(1) whether such committee is carrying out its purpose;

(2) whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;

(3) whether it should be merged with other advisory committees; or

(4) whether it should be abolished.

The Director may from time to time request such information as he deems necessary to carry out his functions under this subsection. Upon the completion of the Director's review he shall make recommendations to the President and to either the agency head or the Congress with respect to action he believes should be taken. Thereafter, the Director shall carry out a similar review annually. Agency heads shall cooperate with the Director in making the reviews required by this subsection.

(c) The Director shall prescribe administrative guidelines and management controls applicable to advisory committees, and, to the maximum extent feasible, provide advice, assistance, and guidance to advisory committees to improve their performance. In carrying out his functions under this subsection, the Director shall consider the recommendations of each agency head with respect to means of improving the performance of advisory committees whose duties are related to such agency.

(d)(1) The Director, after study and consultation with the Civil Service Commission, shall establish guidelines with respect to uniform fair rates of pay for comparable services of members, staffs, and consultants of advisory committees in a manner which gives appropriate recognition to the responsibilities and qualifications required and other relevant factors. Such regulations shall provide that --

(A) no member of an advisory committee or of the staff of any advisory committee shall receive compensation at a rate in excess of the rate specified for GS-18 of the General Schedule under section 5332 of Title 5; and

(B) such members, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of Title 5 for persons employed intermittently in the Government service.

(2) Nothing in this subsection shall prevent --

(A) an individual who (without regard to his service with an advisory committee) is a full-time employee of the United States, or

(B) an individual who immediately before his service with an advisory committee was such an employee,

from receiving compensation at the rate at which he otherwise would be compensated (or was compensated) as a full-time employee of the United States.

(e) The Director shall include in budget recommendations a summary of the amounts he deems necessary for the expenses of advisory committees, including the expenses for publication of reports where appropriate.

## § 8. Responsibilities of agency heads; Advisory Committee Management Officer, designation

(a) Each agency head shall establish uniform administrative guidelines and management controls for advisory committees established by that agency, which shall be consistent with directives of the Director under section 7 and section 10. Each agency shall maintain systematic information on the nature, functions, and operations of each advisory committee within its jurisdiction.

(b) The head of each agency which has an advisory committee shall designate an Advisory Committee Management Officer who shall --

(1) exercise control and supervision over the establishment, procedures, and accomplishments of advisory committees established by that agency;

(2) assemble and maintain the reports, records, and other papers of any such committee during its existence; and

(3) carry out, on behalf of that agency, the provisions of section 552 of Title 5, with respect to such reports, records, and other papers.

## § 9. Establishment and purpose of advisory committees; publication in Federal Register; charter; filing, contents, copy

(a) No advisory committee shall be established unless such establishment is --

(1) specifically authorized by statute or by the President; or

(2) determined as a matter of formal record, by the head of the agency involved after consultation with the Director, with timely notice published in the Federal Register, to be in the public interest in connection with the performance of duties imposed on that agency by law.

(b) Unless otherwise specifically provided by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. Determinations of action to be taken and policy to be expressed with respect to matters upon which an advisory committee reports or makes recommendations shall be made solely by the President or an officer of the Federal Government.

(c) No advisory committee shall meet or take any action until an advisory committee charter has been filed with (1) the Director, in the case of Presidential advisory committees, or (2) with the head of the agency to whom any advisory committee reports and with the standing committees of the Senate and of the House of Representatives having legislative jurisdiction of such agency. Such charter shall contain the following information:

(A) the committee's official designation;

(B) the committee's objectives and the scope of its activity;

(C) the period of time necessary for the committee to carry out its purposes;

(D) the agency or official to whom the committee reports;

(E) the agency responsible for providing the necessary support for the committee;

(F) a description of the duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;

(G) the estimated annual operating costs in dollars and man-years for such committee;

(H) the estimated number and frequency of committee meetings;

(I) the committee's termination date, if less than two years from the date of the committee's establishment; and

(J) the date the charter is filed.

A copy of any such charter shall also be furnished to the Library of Congress.

§ 10. Advisory committee procedures; meetings; notice, publication in Federal Register; regulations; minutes; certification; annual report; Federal officer or employee, attendance

(a)(1) Each advisory committee meeting shall be open to the public.

(2) Except when the President determines otherwise for reasons of national security, timely notice of each such meeting shall be published in the Federal Register, and the Director shall prescribe regulations to provide for other types of public notice to insure that all interested persons are notified of such meeting prior thereto.

(3) Interested persons shall be permitted to attend, appear before, or file statements with any advisory committee, subject to such reasonable rules or regulations as the Director may prescribe.

(b) Subject to section 552 of Title 5, the records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each advisory committee shall be available for public inspection and copying at a single location in the offices of the advisory committee or the agency to which the advisory committee reports until the advisory committee ceases to exist.

(c) Detailed minutes of each meeting of each advisory committee shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory committee.

The accuracy of all minutes shall be certified to by the chairman of the advisory committee.

(d) Subsections (a)(1) and (a)(3) of this section shall not apply to any portion of an advisory committee meeting where the President, or the head of the agency to which the advisory committee reports, determines that such portion of such meeting may be closed to the public in accordance with subsection (c) of section 552b of Title 5. Any such determination shall be in writing and shall contain the reasons for such determination. If such a determination is made, the advisory committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of Title 5.

(e) There shall be designated an officer or employee of the Federal Government to chair or attend each meeting of each advisory committee. The officer or employee so designated is authorized, whenever he determines it to be in the public interest, to adjourn any such meeting. No advisory committee shall conduct any meeting in the absence of that officer or employee.

(f) Advisory committees shall not hold any meetings except at the call of, or with the advance approval of, a designated officer or employee of the Federal Government, and in the case of advisory committees (other than Presidential advisory committees), with an agenda approved by such officer or employee.

§ 11. Availability of transcripts; "agency proceeding"

(a) Except where prohibited by contractual agreements entered into prior to the effective date of this Act, agencies and advisory committees shall make available to any person, at actual cost of duplication, copies of transcripts of agency proceedings or advisory committee meetings.

(b) As used in this section "agency proceeding" means any proceeding as defined in section 551(12) of Title 5.

§ 12. Fiscal and administrative provisions; record-keeping; audit; agency support services

(a) Each agency shall keep records as will fully disclose the disposition of any funds which may be at the disposal of its advisory committees and the nature and extent of their activities. The General Services Administration, or such other agency as the President may designate, shall maintain financial records with respect to Presidential advisory committees. The Comptroller General of the United States, or any of his authorized representatives, shall have access, for the purpose of audit and examination, to any such records.

(b) Each agency shall be responsible for providing support services for each advisory committee established by or reporting to it unless the establishing authority provides otherwise. Where any such advisory committee reports to more than one agency, only one agency shall be responsible for support services at any one time. In the case of Presidential advisory committees, such services may be provided by the General Services Administration.

## § 13. Responsibilities of Library of Congress; reports and background papers; depository

Subject to section 552 of Title 5, the Director shall provide for the filing with the Library of Congress of at least eight copies of each report made by every advisory committee and, where appropriate, background papers prepared by consultants. The Librarian of Congress shall establish a depository for such reports and papers where they shall be available to public inspection and use.

## § 14. Termination of advisory committees; renewal; continuation

(a)(1) Each advisory committee which is in existence on the effective date of this Act shall terminate not later than the expiration of the two-year period following such effective date unless --

(A) in the case of an advisory committee established by the President or an officer of the Federal Government, such advisory committee is renewed by the President or that officer by appropriate action prior to the expiration of such two-year period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(2) Each advisory committee established after such effective date shall terminate not later than the expiration of the two-year period beginning on the date of its establishment unless --

(A) in the case of an advisory committee established by the President or an officer of the Federal Government, such advisory committee is renewed by the President or such officer by appropriate action prior to the end of such period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(b)(1) Upon the renewal of any advisory committee, such advisory committee shall file a charter in accordance with section 9(c).

(2) Any advisory committee established by an Act of Congress shall file a charter in accordance with such section upon the expiration of each successive two-year period following the date of enactment of the Act establishing such advisory committee.

(3) No advisory committee required under this subsection to file a charter shall take any action (other than preparation and filing of such charter) prior to the date on which such charter is filed.

(c) Any advisory committee which is renewed by the President or any officer of the Federal Government may be continued only for successive two-year periods by appropriate action taken by the President or such officer prior to the date on which such advisory committee would otherwise terminate.

## THE SUNSHINE ACT

## 5 U.S.C. § 552b

§ 552b. Open meetings

(a) For purposes of this section -

(1) the term "agency" means any agency, as defined in section 552(e) of this title, headed by a collegial body composed of two or more individual members, a majority of whom are appointed to such position by the President with the advice and consent of the Senate, and any subdivision thereof authorized to act on behalf of the agency;

(2) the term "meeting" means the deliberations of at least the number of individual agency members required to take action on behalf of the agency where such deliberations determine or result in the joint conduct or disposition of official agency business, but does not include deliberations required or permitted by subsection (d) or (e); and

(3) the term "member" means an individual who belongs to a collegial body heading an agency.

(b) Members shall not jointly conduct or dispose of agency business other than in accordance with this section. Except as provided in subsection (c), every portion of every meeting of an agency shall be open to public observation.

(c) Except in a case where the agency finds that the public interest requires otherwise, the second sentence of subsection (b) shall not apply to any portion of an agency meeting, and the requirements of subsections (d) and (e) shall not apply to any information pertaining to such meeting otherwise required by this section to be disclosed to the public, where the agency properly determines that such portion or portions of its meeting or the dislcosure of such information is likely to -

(1) disclose matters that are (A) specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such Executive order;

(2) relate solely to the internal personnel rules and practices of an agency;

(3) disclose matters specifically exempted from disclosure by statute (other than section 552 of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) involve accusing any person of a crime, or formally censuring any person;

(6) disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) dislcose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(8) disclose information contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) disclose information the premature disclosure of which would -

(A) in the case of an agency which regulates currencies, securities, commodities, or financial institutions, be likely to (i) lead to significant financial speculation in currencies, securities, or commodities, or (ii) significantly endanger the stability of any financial institution; or

(B) in the case of any agency, be likely to significantly frustrate implementation of a proposed agency action.

except that subparagraph (B) shall not apply in any instance where the agency has already disclosed to the public the content or nature of its proposed action, or where the agency is required by law to make such disclosure on its own inititative prior to taking final agency action on such proposal; or

(10) specifically concern the agency's issuance of a subpena, or the agency's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the agency of a particular case of formal agency adjudication pursuant to the procedures in section 554 of this title or otherwise involving a determination on the record after opportunity for a hearing.

(d)(1) Action under subsection (c) shall be taken only when a majority of the entire membership of the agency (as defined in subsection (a)(1)) votes to take such action. A separate vote of the agency members shall be taken with respect to each agency meeting a portion or portions of which are proposed to be closed to the public pursuant to subsection (c), or with respect to any information which is proposed to be withheld under subsection (c). A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of meetings, so long as each meeting in such series involves the same particular matters and is scheduled to be held no more than thirty days after the initial meeting in such series. The vote of each agency member participating in such vote shall be recorded and no proxies shall be allowed.

(2) Whenever any person whose interests may be directly affected by a portion of a meeting requests that the agency close such portion to the public for any of the reasons referred to in paragraph (5), (6), or (7) of subsection (c), the agency, upon request of any one of its members, shall vote by recorded vote whether to close such meeting.

(3) Within one day of any vote taken pursuant to paragraph (1) or (2), the agency shall make publicly available a written copy of such vote reflecting the vote of each member on the questions. If a portion of a meeting is to be closed to the public, the agency shall, within one day of the vote taken pursuant to paragraph (1) or (2) of this subsection, make publicly available a full written explanation of its action closing the portion together with a list of all persons expected to attend the meeting and their affiliation.

(4) Any agency, a majority of whose meetings may properly be closed to the public pursuant to paragraph (4), (8), (9)(A), or (10) of subsection (c), or any combination thereof, may provide by regulation for the closing of such meetings or portions thereof in the event that a majority of the members of the agency votes by recorded vote at the beginning of such meeting, or portion thereof, to close the exempt portion or portions of the meeting, and a copy of such vote, reflecting the vote of each member on the question, is made available to the public. The provisions of paragraphs (1), (2), and (3) of

this subsection and subsection (e) shall not apply to any portion of a meeting to which such regulations apply: Provided, That the agency shall, except to the extent that such information is exempt from disclosure under the provisions of subsection (c), provide the public with public announcement of the time, place, and subject matter of the meeting and of each portion thereof at the earliest practicable time.

(e)(1) In the case of each meeting, the agency shall make public announcement, at least one week before the meeting, of the time, place, and subject matter of the meeting, whether it is to be open or closed to the public, and the name and phone number of the official designated by the agency to respond to requests for information about the meeting. Such announcement shall be made unless a majority of the members of the agency determines by a recorded vote that agency business requires that such meeting be called at an earlier date, in which case the agency shall make public announcement of the time, place, and subject matter of such meeting, and whether open or closed to the public, at the earliest practicable time.

(2) The time or place of a meeting may be changed following the public announcement required by paragraph (1) only if the agency puclicly announces such change at the earliest practicable time. The subject matter of a meeting, or the determination of the agency to open or close a meeting, or portion of a meeting, to the public, may be changed following the public announcement required by this subsection only if (A) a majority of the entire membership of the agency determines by a recorded vote that agency business so requires and that no earlier announcement of the change was possible, and (B) the agency publicly announces such change and the vote of each member upon such change at the earliest practicable time.

(3) Immediately following each public announcement required by this subsection, notice of the time, place, and subject matter of a meeting, whether the meeting is open or closed, any change in one of the preceding, and the name and phone number of the official designated by the agency to respond to requests for information about the meeting, shall also be submitted for publication in the Federal Register.

(f)(1) For every meeting closed pursuant to paragraphs (1) through (10) of subsection (c), the General Counsel or chief legal officer of the agency shall publicly certify that, in his or her opinion, the meeting may be closed to the public and shall state each relevant exemptive provision. A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting, and the persons present, shall be retained by the agency. The agency shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or portion of a meeting, closed to the public, except that in the case of a meeting, or portion of a meeting, closed to the public pursuant to paragraph (8), (9)(A), or (10) of subsection (c), the agency shall maintain either such a transcript or recording, or a set of minutes. Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any rollcall vote (reflecting the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

(2) The agency shall make promptly available to the public, in a place easily accessible to the public, the transcript, electronic recording, or minutes (as required by paragraph (1)) of the discussion of any item on the agenda, or of any item of the testimony of any witness received at the meeting, except for such item or items of such discussion or testimony as the agency determines to contain information which may be withheld under subsection (c). Copies of such transcript, or minutes, or a transcription of such recording disclosing the identity of each speaker, shall be furnished to any person at the actual cost of duplication or transcription. The agency shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion of any agency proceeding with respect to which the meeting or portion was held, whichever occurs later.

(g) Each agency subject to the requirements of this section shall, within 180 days after the date of enactment of this section, following consultation with the Office of the Chairman of the Administrative Conference of the United States and published notice in the Federal Register of at least thirty days and opportunity for written comment by any person, promulgate regulations to implement the requirements of subsections (b) through (f) of this section. Any person may bring a proceeding in the United States District Court for the District of Columbia to require an agency to promulgate such regulations if such agency has not promulgated such regulations within the time period specified herein. Subject to any limitations of time provided by law, any person may bring a proceeding in the United States Court of Appeals for the District of Columbia to set aside agency regulations issued pursuant to this subsection that are not in accord with the requirements of subsections (b) through (f) of this section and to require the promulgation of regulations that are in accord with such subsections.

(h)(1) The district courts of the United States shall have jurisdiction to enforce the requirements of subsections (b) through (f) of this section by declaratory judgment, injunctive relief, or other relief as may be appropriate. Such actions may be brought by any person against an agency prior to, or within sixty days after, the meeting out of which the violation of this section arises, except that if public announcement of such meeting is not initially provided by the agency in accordance with the requirements of this section, such action may be instituted pursuant to this section at any time prior to sixty days after any public announcement of such meeting. Such actions may be brought in the district court of the United States for the district in which the agecny meeting is held or in which the agency in question has its headquarters, or in the District Court for the District of Columbia. In such actions a defendant shall serve his answer within thirty days after the service of the complaint. The burden is on the defendant to sustain his action. In deciding such cases the court may examine in camera any portion of the transcript, electronic recording, or minutes of a meeting closed to the public, and may take such additional evidence as it deems necessary. The court, having due regard for orderly administration and the public interest, as well as the interests of the parties, may grant such equitable relief as it deems appropriate, including granting an injunction against future violations of this section or ordering the agency to make available to the public such portion of the transcript, recording or minutes of a meeting as is not authorized to be withheld under subsection (c) of this section.

(2) Any Federal court otherwise authorized by law to review agency action may, at the application of any person properly participating in the proceeding pursuant to other applicable law, inquire into violations by the agency of the requirements of this section and afford such relief as it deems appropriate. Nothing in this section authorizes any Federal court having jurisdiction solely on the basis of paragraph (1) to set aside, enjoin, or invalidate any agency action (other than an action to close a meeting or to withhold information under this section) taken or discussed at any agency meeting out of which the violation of this section arose.

(i) The court may assess against any party reasonable attorney fees and other litigation costs reasonably incurred by any other party who substantially prevails in any action brought in accordance with the provisions of subsection (g) or (h) of this section, except that costs may be assessed against the plaintiff only where the court finds that the suit was initiated by the plaintiff primarily for frivolous or dilatory purposes. In the case of assessment of costs against an agency, the costs may be assessed by the court against the United States.

(j) Each agency subject to the requirements of this section shall annually report to Congress regarding its compliance with such requirements, including a tabulation of the total number of agency meetings open to the public, the total number of meetings closed to the public, the reasons for closing such meetings, and a description of any litigation brought against the agency under this section, including any costs assessed against the agency in such litigation (whether or not paid by the agency).

(k) Nothing herein expands or limits the present rights of any person under section 552 of this title, except that the exemptions set forth in subsection (c) of this section shall govern in the case of any request made pursuant to section 552 to copy or inspect the transcript, recordings, or minutes described in subsection (f) of this section. The requirements of chapter 33 of title 44, United States Code, shall not apply to the transcripts, recordings, and minutes described in subsection (f) of this section.

(l) This section does not constitute authority to withhold any information from Congress, and does not authorize the closing of any agency meeting or portion thereof required by any other provision of law to be open.

(m) Nothing in this section authorizes any agency to withhold from any individual any record, including transcripts, recordings, or minutes required by this section, which is otherwise accessible to such individual under section 552a of this title.

# TOPICAL INDEX

This index is divided into four parts:

I. Freedom of Information Act Subsections.

II. FOIA Exemptions from Mandatory Disclosure.

III. Words and Phrases.

IV. Other U.S.C. Sections

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Two asterisks following a number signify that the Supreme Court issued an opinion in that case. One asterisk indicates that a court of appeals has issued an opinion in that case.

Where a case has been the subject of several judicial opinions, the case is indexed under each topic dealt with in at least one of the opinions. Thus, the indexing of a case under a particular topic does not necessarily mean that the topic was discussed by the highest court to issue an opinion in the case.

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# A SHORT GUIDE TO THE FREEDOM OF INFORMATION ACT

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## Chapter I

## What is the Freedom of Information Act?

The Freedom of Information Act ("FOIA"), 5 U.S.C. §552, is the chief federal law on openness in government. FOIA is an open records law, but it has served as a model for two recent federal open meeting laws, the Sunshine Act and the amended Federal Advisory Committee Act.

Originally passed in 1966, effective in 1967, and amended in 1974, 1976, and 1978, FOIA provides that "any person" has a right, enforceable in court, to access to all "agency records" -- generally, any record in the possession of a federal agency -- except to the extent the records or parts of them may be covered by one of FOIA's nine exemptions. FOIA thus applies to almost the entire range of federal activities and has resulted in a much more open government. As might be expected, FOIA also generates numerous disputes and uncertainties. For a discussion of the issue whether records are agency records for purposes of FOIA, see Chapter X below.

## Chapter II

## What Background Factors (Historical, Legal, and Psychosocial) Help Explain FOIA's Enactment, Impact, and Limitations?

A. Historical factors: A ten-year campaign in Congress, in which representatives of the news media played a leading role, culminated in FOIA's enactment in 1966 as a revision of the Public Information Section of the Administrative Procedure Act. Complaints during the 1972 Moorhead hearings about bureaucratic foot-dragging in administering FOIA, largely voiced by public interest groups such as those of Ralph Nader, coupled with widespread concern during the 1973-74 Watergate period over excessive government secrecy, resulted in the 1974 FOIA Amendments. In addition, historical factors may help illuminate some of the policies that underlie particular exemptions.

B. Legal factors: Both information itself and records, which are repositories of information, may be treated as forms of property, i.e., as capable of being owned and transferred. See 5 U.S.C. §301, in which federal records are treated as a form of federal property. Because of both the peculiar nature of information, and the importance of the ability to control access to it in determining the allocation of power among individuals, public and private organizations, and nations, concepts of property law are but one of several legal factors that help place FOIA in proper perspective. The other factors, which may directly or indirectly affect FOIA's impact or which are noted for comparative purposes, include:

(a) the constitutional principle of separation of powers including the privileges of the three branches;

(b) the rules of pre-trial discovery and evidence in litigation;

(c) other federal laws on access to federally-held information, such as the two open-meeting laws mentioned above, the Privacy Act, and the large number of statutes referenced by FOIA Exemption Three, discussed below, most of which affect but a single program or agency;

(d) federal laws on private access to non-federal records, principally records of federally-aided schools pertaining to identifiable students and records of credit reporting firms pertaining to identifiable consumers; also, insofar as access is effected by making or obtaining a copy, federal copyright laws may be noted here;

(e) federal laws which authorize or require federal entities to obtain information or records, which may then be subject to federal access laws, from non-federal sources; and

(f) open records and open meetings laws of state and local governments and of other nations.

C. Psychosocial factors: These factors, which may operate on requesters, on agencies holding information, or on sources of such information, are often difficult to identify or measure. They nevertheless may be important in generating or in resolving struggles over access.

Factors favoring openness include:

(a) the traditions of discourse, the free exchange of information, and the competition of opinions among scientists, scholars, and participants in democratically run organizations;

(b) the effort to assuage feelings of distrust and alienation experienced by increasingly educated and unrestrained populations toward increasingly bureaucratic, remote, impersonal or powerful institutions, especially government;

(c) specific needs or desires for information about competitors, adversaries, or others who present risks or opportunities;

(d) a desire to publicize one's self, one's views, or one's agency, firm, or group, or to counteract suspicions;

(e) curiosity or anxiety.

Factors limiting openness include:

(a) individual privacy values;

(b) an employee's identification with his job and his employing organization;

(c) traditions of autonomy or esprit de corps in a business, agency, or other group;

(d) fears among those within or dependent upon an agency that its openness in some areas may involve costly burdens, disturbing precedents, failures of function, or other risks;

(e) the traditional cautiousness of most lawyers and some managers about disclosing potentially valuable or damaging information about those they represent;

(f) inertia in not seeking or providing information, or a sense of satiation induced by information glut.

## Chapter III

## What is the Statutory Structure of FOIA?

FOIA has five subsections. Subsection (a) contains numerous provisions, starting with provisions for three types of access to agency records (which vary according to the records' general nature and presumed public importance): first, by publishing them in the Federal Register, paragraph (a)(1); second, by placing them in an agency reading room with an index, paragraph (a)(2), which itself consists of three kinds of records likely to have precedential value; and third, by making them available upon a request made in accordance with agency rules, paragraph (a) (3), which covers the vast majority of agency records, namely, any records that are not covered by (a)(1) or (a)(2). Subsection (a) also provides for fees, judicial review of agency denials of access, attorneys fees, disciplinary action, and contempt, paragraph (a)(4); access to votes of agency members, paragraph (a)(5); and time limits for agency responses to requests for records, paragraph (a)(6).

Subsection (b) contains the nine exemptions, discussed below.

Subsection (c) provides that FOIA is not authority to withhold information from Congress.

Subsection (d) requires each agency to make an annual report to Congress on its denials and requires the Justice Department to report on litigation and on its efforts to encourage agency compliance with FOIA.

Subsection (e) is a redefinition of the term "agency" so as to subject the records of nearly all Executive Branch entities to FOIA. (Other legislation may in rare instances subject other entities, such as the Copyright Office, to FOIA.)

## Chapter IV

## The Three Disclosure Mandates in FOIA.

As outlined in the preceding chapter, subsection (a) of FOIA contains three different disclosure mandates. The first is 5 U.S.C. §552(a)(1), which specifies five categories of information about the way federal agencies transact their business that each agency must publish in the Federal Register. The basic purpose of this requirement is to assure public access to important general information for transacting business with agencies. As a sanction, this provision specifies that failure to comply with its publication requirement prohibits an agency from relying on the unpublished material in a way which would have an adverse effect on any person (except one having actual and timely notice).

One of the categories of information whose publication in the Federal Register is required is "substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency." 5 U.S.C. §552 (a)(1)(D). This category has resulted in a limited amount of litigation in which agency policies have been declared null and void because of a failure to publish. See, e.g., Anderson v. Butz, 550 F.2d 459 (9th Cir. 1977); Lewis v. Weinberger, 415 F. Supp. 652 (D.N.M. 1976).

The second disclosure mandate in FOIA, sometimes described as the "reading room" requirement, is that three categories of records described in 5 U.S.C. §552(a)(2)(A), (B), and (C) must be made "available for public inspection and copying" and must be indexed in a timely manner. The thrust of this provision is to prevent the development of "secret law" known to agency personnel but not to members of the public who must deal with the agency. Like the Federal Register provision, this reading room requirement also contains a sanction. If an agency fails to comply with it, the record in question cannot "be relied on, used, or cited as precedent by an agency...".

5 U.S.C. §552(a)(3) sets forth the third and best known disclosure mandate by requiring that, upon request, an agency must make available any agency record to any person, unless that record is within one or more of the nine exemptions in subsection (b), described below. There are several concepts involved in this provision, *e.g.*, the adequacy of the request, the duty of the agency to search, and the promptness of disclosure. Denials under this provision gives rise to an overwhelming majority of the hundreds of FOIA lawsuits filed each year.

These three disclosure mandates are independent of each other. Thus, the fact that a record is not covered by either paragraph (a)(1) or paragraph (a)(2) *does not* constitute a basis for denying a request for access made under paragraph (a)(3). *See* discussion of Exemption Two in Chapter V, below.

## Chapter V

## What Do the Nine FOIA Exemptions Cover?

### General Notes on Exemptions

A. FOIA exemptions are discretionary exceptions from the Act's compulsory disclosure requirements, and any prohibitions against disclosure must be found elsewhere. There is a fair amount of uncertainty in the interpretation of most of the exemptions and their application to particular records and circumstances, and there is a constant flow of court decisions dealing with these questions. Accordingly, The following discussion must be read as only a summary that is subject to possible qualifications and modifications.

B. The nine exemptions are found in subsection (b) of FOIA, and thus may be referred to either as the (b)(1) exemption, the (b)(2) exemption, etc., or as Exemption One, Exemption Two, etc.; the latter style is used here.

C. While there are nine exemptions, they chiefly relate to five main protectible interests, three governmental and two private. The three governmental interests are those in national security (chiefly Exemption One and parts of Three); in law enforcement (chiefly Exemption Seven and part of Two); and in governmental efficiency (chiefly Exemption Five). The two private interests are business confidentiality (chiefly Exemption Four) and individual privacy (chiefly Exemption Six).

D. There is some overlap among the exemptions, both in their purposes and in their technical scope. Also, some material in a record may be covered by more than one exemption.

E. The exemptions apply to all agency records, not just to the great bulk of so-called (a)(3) or miscellaneous records which are subject to request procedures. (See Chapter IV above.) However, the interpretation of certain exemptions, particularly Exemptions Two and Five, is influenced by subsection (a)(2), the "reading room" provision of FOIA.

F. As shown by the beginning of subsection (b), all the exemptions are for "matter" contained in records, rather than for an entire record as such, or for files, even though the words "records" and "files" appear in the subsection. This is made clear by an express provision at the end of subsection (b) that any "reasonably segregable" non-exempt portions of a record containing exempt matter must be released.

### Exemption One (1)

This exemption covers national security information, *i.e.,* information requiring protection in the interest of defense or foreign relations, which has been properly classified under the standards and procedures of an Executive Order for protecting such information. The current order is No. 12065, which provides for "Top Secret," "Secret," and "Confidential" classifications. This order replaced Order No. 11652 as of December 1, 1978. In E.P.A. v. Mink, 410 U.S. 73 (1973), the Supreme Court held that the mere fact of classification of a record precluded any further judicial inquiry whether it was covered by this exemption. Exemption 1 was amended in 1974 to overturn this ruling. This amendment is discussed in the Attorney General's "Blue Book" on the 1974 FOIA Amendments, cited below in Chapter XIII.

Congress described two purposes for this amendment. The first is to make it clear that the record must be "properly classified" both procedurally and substantively. The second is that FOIA confers on courts the power to order the release of a record which an agency maintains is properly classified. Congress also made it clear, however, that courts were to give substantial weight to agency determinations that damage to national security would result from disclosure.

As a result, most post-amendment Exemption One cases have involved plaintiffs' attacking the adequacy of the agency's affidavit and urging the court to review the records in camera. At first it seemed that the courts were going to defer to agency affidavits in almost all these cases unless there were reasons to question the agency's good faith. Then in 1978, an appellate court indicated that it did not completely agree with this approach. In Ray v. Turner, 587 F.2d 1187 (D.C. Cir. 1978), the court expressly rejected the theory that classification should be upheld so long as the agency could establish a "reasonable basis" for it, and also made clear that authority to conduct in camera inspection in these cases was not limited to those with evidence of bad faith.

Later decisions by the same court have provided further guidance for judicial review of an agency's Exemption One claims. See, e.g., Halperin v. Central Intelligence Agency, ___F.2d___ (D.C. Cir. 1980); Hayden v. National Security Agency, 608 F.2d 1381 (D.C. Cir. 1979).

In Halperin, the court provided the following summary of its present standard of review in Exemption One cases:

> We have held that summary judgment may be granted on the basis of agency affidavits if they contain reasonable specificity of detail rather than merely conclusory statements, and if they are not called into question by contradictory evidence in the record or by evidence of agency bad faith.
>
> If the agency's statements meet this standard, the court is not to conduct a detailed inquiry to decide whether it agrees with the agency's opinions; to do so would violate the principal of affording substantial weight to the expert opinion of the agency. Slip opinion at 7-8.

As illustrated by these decisions, courts have been reluctant to overturn national security classifications, and their usual approach when dissatisfied with an agency's affidavit has been to order a further showing, e.g., by more detailed affidavits, rather than to overturn the classification.

Certain other points also appear established in Exemption One cases. The requirement to release "reasonably segregable" non-exempt portions applies to classified records as well as to non-classified ones, and a court may allow an agency to support its Exemption One claim with a classified affidavit which will be reviewed in camera. Founding Church of Scientology v. Bell, 603 F.2d 945 (D.C. Cir. 1979). In rare instances the Government may claim that whether or not it even has records within the scope of a request is itself a properly classified item of information. Phillipi v. Central Intelligence Agency, 546 F.2d 1009 (D.C. Cir. 1976).

Because of the fact that the request in the Phillipi case was for records relating to the Glomar Explorer, an agency's refusal to confirm or deny the existence of records within the scope of a request is commonly referred to as a Glomar denial. Although developed in a national security context, Glomar denials are used in other situations where just to admit or deny that the requested records exist would seriously damage the protectible interests the exemptions are intended to safeguard. An example would be a request for records of a serious medical or criminal matter which relate to another individual, whose privacy would be injured by disclosing that such records exist even if access is denied.

## Exemption Two (2)

This exemption has two aspects. It is clear that it covers internal agency matters which are trivial in the sense that there is not a substantial and legitimate public interest in their disclosure; e.g., rules about parking, advance notice leave, internal routing and filing, and the like. Department of Air Force v. Rose, 425 U.S. 352 (1976). This aspect of the exemption is sometimes referred to as "Low-2" to distinguish it from the material discussed below.

The Government has also sought to protect sensitive internal agency instructions to investigators, inspectors, auditors, and other law enforcement personnel under Exemption Two. This theory of Exemption Two is called "High-2" to contrast the records involved from the relatively unimportant ones described above. The Supreme Court expressly left open in Rose whether there is a High-2. The Government has generally succeeded in protecting High-2 material, although not necessarily on the basis of that theory, when it has been able to convince the court that release of the records in question would disclose confidential investigatory techniques and thereby make it easier for violators of the law to escape detection. It has not been successful, however, when it has attempted to assert High-2 for other types of instructions to law enforcement personnel (e.g., guidelines for exercising prosecutorial discretion).

Courts which have sustained the withholding of High-2 material have sometimes pointed to other features of FOIA to support their decisions, particularly to the reference in subparagraph (a)(2)(C) to "administrative" staff manuals with its legislative history distinguishing such manuals from law enforcement manuals and to Exemption 7(E), protecting investigatory techniques and procedures used in law enforcement work when they would be revealed by disclosing investigatory records. These provisions are strong indications that Congress clearly intended to protect instructions to law enforcement personnel which if released might help violators escape detection and capture. The proper legal basis for withholding such material however, is Exemption Two.

In 1978 there were court of appeals decisions in two circuits which appear to establish that High-2 does exist. Caplan v. Bureau of Alcohol, Tobacco & Firearms, 587 F.2d 554 (2d Cir. 1978) (pamphlet on "Raids and Searches"); Ginsburg, Feldman & Bress v. Federal Energy Administration, 591 F.2d 752 (D.C. Cir. 1978) (refinery audit guidelines) (affirming by a 4 to 4 vote without opinion the decision of District Judge Flannery in No. 76-27, D.D.C. 1976). Doubts were raised, however, by the decision in Jordan v. U.S. Department of Justice, 591 F.2d 753 (D.C. Cir. 1978), decided by the same court and on the same day as the affirmance in the Ginsburg case. The Jordan decision involved access to prosecutorial guidelines rather than sensitive investigatory techniques and procedures, but the rationale used to reject the defense of Exemption Two would on its face apply also to the latter type of material.

Three months later, in a District Court decision by Judge Oberdorfer in the same Circuit that decided the Ginsburg and Jordan cases, Jordan was discussed, distinguished as to the type of records sought, and treated as not representing the views of a majority of the Court of Appeals for the D.C. Circuit on whether Exemption Two protects sensitive investigatory techniques. Sturgeon v. U.S. Department of Treasury, No. 77-1964 (D.D.C. 1979). The court concluded:

> The Court finds that the portions of the Secret Service Manuals withheld by defendants are internal instructions to government investigators relating to the methods they are to use in investigating crimes before legal action is taken with respect to them. This material is quite different from the prosecutorial policy material held not to be exempt in Jordan. The material sought in Jordan would not help defendants evade detection or apprehension; it would merely help their lawyers do a better job for them. Disclosure of Secret Service investigative procedures, rules and techniques contained in the material sought by plaintiff would, on the other hand appreciably assist violators in escaping detection and apprehension. Nothing in Jordan requires this material's production or forecloses its exemption.
> Slip opinion at 4-5 (emphasis added).

The underscored language sets forth the essence of what is required to justify withholding under High-2.

Subsequently this same court upheld, without opinion, the Government's withholding of portions of DEA training manuals. Cox v. U.S. Department of Justice, No. 78-1944 (D.D.C. 1979).

A short time later the D.C. Court of Appeals upheld the withholding under Exemption Two of portions of the U.S. Marshals Manual. Cox v. United States Department of Justice, 601 F.2d 1 (D.C. Cir. 1979). Certain of these portions would apparently qualify under High-2 (e.g., matter on position of weapons on persons transporting witnesses), but the court based its decision on Low-2. The most recent appellate decision in this area, Sladek v. Bensinger, 605 F.2d 899 (5th Cir. 1979)(portions of DEA Agents' Manual) avoided the issue whether High-2 protects sensitive instructions to investigators because the court did not consider the material in question to be sensitive.

Thus, even though the Government has generally been successful in protecting sensitive law enforcement investigatory techniques and procedures contained in manuals, handbooks, or similar instructions to law enforcement personnel, the legal basis for their withholding remains somewhat unsettled.

### Exemption Three (3)

This exemption is a cross-reference to various other federal withholding statutes, and protects under FOIA material which another statute protects, provided that the other statute either (a) prohibits disclosure, or (b) confers discretion to withhold or release with criteria to guide such discretion, or (c) specifies the type of material to be withheld. These three alternative requirements were added when Congress tightened this exemption in 1976 to overturn the Supreme Court's decision in F.A.A v. Robertson, 422 U.S. 255 (1975) which had held that a broad discretionary withholding provision in the Federal Aviation Act was included within Exemption Three. It has been estimated that there are roughly 100 statutes in federal legislation which are referenced by this exemption but most of them, like 26 U.S.C. §6103, the Internal Revenue Code provision protecting income tax returns, apply to the records of only one agency.

The cases since the 1976 amendment have made it clear that a statute is within Exemption Three if it qualifies under any one of the three requirements described above. See, American Jewish Congress v. Kreps, 574 F.2d 624 (D.C. Cir. 1978); Public Citizen Health Research Group v. Department of H.E.W, 477 F. Supp. 595 (D.D.C. 1979) (holding that 42 U.S.C. §1320c-15 is not an Exemption Three statute).

Establishing that a particular statute meets one of these tests is only part of an agency's burden of proof. It must also establish that the records in question are ones which that statute protects.

Many of the recent Exemption Three cases involve provisions of the National Security Act, 50 U.S.C. §403(b)(3), and of the Central Intelligence Agency Act, 50 U.S.C. §403(g). See, e.g., Halperin v. Central Intelligence Agency, __F.2d ___ (D.C. Cir. 1980); Ray v. Turner, 587 F.2d 1187 (D.C. Cir. 1978). These two provisions have been uniformly held to qualify under Exemption Three.

Several recent decisions relating to this exemption are of some importance. In Founding Church of Scientology v. Bell, 603 F.2d 945 (D.C. Cir. 1979), the court reversed the district court's "implicit conclusion" that Rule 26(c) of the Federal Rules of Civil Procedure was an Exemption Three statute, holding that these rules are not "statutes" for purposes of the exemption.

In Painter v. Federal Bureau of Investigation, 615 F.2d 689 (5th Cir. 1980), the court held that the Privacy Act, 5 U.S.C. §552(a), is an Exemption Three statute. It did so despite the facts that neither side advanced this argument in their brief, and it did not hear oral argument. Since the Government won the case in terms of the result, it could not seek certiorari. A Government motion asking the court to modify this portion of its opinion was denied without opinion. This holding is directly contrary to the interpretations of both the Office of Management and Budget (the agency designated by Congress to oversee the Privacy Act's implementation) and the Justice Department. It appears very doubtful that this holding will be generally followed. For a discussion of the relationship between FOIA and the Privacy Act, see Chapter XI, below.

One of the most hotly debated Exemption Three issues is whether 18 U.S.C. §1905 (which relates to certain commercial and financial information) comes within that exemption. The Justice Department has consistently asserted that it does not, and for the most part the courts have agreed. The Supreme Court, however, expressly declined to decide this issue in Chrysler Corp. v. Brown, 441 U.S. 281 (1979). For a more detailed discussion of this question, see Chapter XII infra.

The Supreme Court recently decided a case involving Exemption Three. Consumer Product Safety Commission v. GTE Sylvania, ___ U.S. ___ (1980). It held that 15 U.S.C. § 2055(b)(1) (§6(b)(1)) of the Consumer Product Safety Commission Act) was an Exemption Three statute. The decision added little to the interpretation of this exemption other than establishing that a statute which sets forth mandatory conditions precedent to an agency's release qualifies under Exemption Three until these conditions are satisfied.

### Exemption Four (4)

This exemption applies to two categories of information in federal agency records:

1. trade secrets, or
2. information which is
   a. commercial or financial, and
   b. obtained from a person, and
   c. confidential or privileged.

There has been little litigation over whether withheld records contain trade secrets. Instead, Exemption Four cases have turned primarily on whether the withheld records contain information within the second category, usually described popularly as confidential business information.

To come within this second category the information must satisfy all three criteria set forth above. There have been few significant disputes on whether information was "commerical or financial"; thus, technical information from a business firm is assumed to be commercial. It is clear that "obtained from a person" excludes information generated by an agency, even if it is derived from agency tests on an item submitted by a private company. Consumers Union v. Veterans Administration, 301 F. Supp. 796 (S.D.N.Y. 1969).

Most Exemption Four litigation has concentrated on the meaning of the word "confidential." The leading case on this issue is "National Parks I" -- National Parks and Conservation Ass'n v. Morton, 498 F.2d 765 (D.C. Cir. 1974). The court held that neither a submitter's claims of confidentiality, nor an agency's promises that the information would not be released, were determinative on this issue (although both are factors to be considered). It went on to indicate that "confidential" was to be read to protect both a governmental interest and a private one. In an oft-quoted passage, the court stated:

> To summarize, commercial or financial matter is "confidential" for purposes of the exemption if disclosure of the information is likely to have either of the following effects: (1) to impair the Government's ability to obtain necessary information in the future; or (2) to cause substantial harm to the competitive position of the person from whom the information was obtained. 498 F.2d at 770.

These two tests are commonly referred to as Test 1 and Test 2. Most of the cases have involved the applicability of the latter, and the courts have tended to resolve the disputes on a case-by-case basis rather than by establishing general guidelines as to what constitutes substantial harm to a submitter's competitive position. An agency can confidently treat business information as confidential, however, if it can (1) identify types of competitive harm which would be risked by release, and (2) explain why release of the information in question is likely to have those results.

In order to withhold under Test 1 an agency must be able to demonstrate that the information was in aid of an agency function, was provided voluntarily (this excludes information which the agency could compel to be submitted), and that the submitter would not provide it if it were subject to release. The question of voluntariness is not always a clear-cut one, particularly where participation in a program (e.g., bidding on a government contract) is voluntary, but submission of the information is mandatory if the submitter wishes to enjoy the benefits of participation. In what appears to be the first appellate application of Test 1, the First Circuit upheld the withholding of a technical proposal on the ground that release "would induce bidders to submit proposals that do not include novel ideas." Orion Research, Inc. v. Environmental Protection Agency, 615 F.2d 551, 554 (1st Cir. 1980). It is an open question at this writing whether this rationale will be extended to situations outside the procurement context.

Agencies and submitters should note that merely referring to information as "proprietary" does not justify withholding under Exemption Four. The agency still must have an evidentiary basis for concluding that the information is "confidential (under one of the two tests described above) or privileged." Of course, certain kinds of business information present little difficulty in this respect; see, Chapter XII below.

The word "privileged" has not generally been read to add much to the scope of Exemption Four. In a recent case, however, a court upheld the Department of Interior's withholding of detailed statements by law firms of work they had done for the Hopi Indians as privileged: "The vouchers reveal strategies developed by Hopi counsel in anticipation of preventing or preparing for legal action to safeguard tribal interests.

Such communications are entitled to protection as attorney work-product." Indian Law Resource Ctr. v. Department of Interior, 477 F. Supp. 144, 148 (D.D.C. 1979).

The rule of redaction (the duty to release reasonably segregable non-exempt portions of a requested document) applies in this area as under other FOIA exemptions. The passage of time usually tends to erode the applicability of Exemption Four; thus, a document that is likely to disclose the future plans of a business firm may lose its confidential character after the plans become known or have obviously become obsolete.

There is some authority that Exemption Four does not apply to information from a non-profit entity, even though the same type of information from a business corporation would be protected and even though the release would cause financial injury to the entity. Washington Research Project, Inc. v. H.E.W., 504 F.2d 238 (D.C. Cir. 1974). The scope of this interpretation is uncertain and its soundness is subject to question.

As to discretionary release of information within Exemption Four and the means available to the affected business to prevent such release, see Chapter XII, below.

## Exemption Five (5)

This exemption incorporates into FOIA certain discovery privileges which the Government has traditionally enjoyed. The list of these privileges has been an expanding one. At this writing it consists of the: (1) deliberative process privilege (sometimes called the executive privilege); (2) the attorney work-product privilege; (3) the attorney-client privilege (at least partially); and (4) certain qualified privileges under Rule 26 Fed. Rule Civ. Proc.

Exemption Five has been the subject of more extensive Supreme Court consideration than any other FOIA provision. Federal Open Market Committee v. Merrill, 443 U.S. 340 (1979); N.L.R.B. v. Sears, Roebuck & Co., 421 U.S. 132 (1975); Renegotiation Board v. Grumman Aircraft, 421 U.S. 168 (1975); E.P.A. v.

Mink, 410 U.S. 73 (1973). In Merrill the Court not only added the first privilege in (4) above, but also discussed generally the relationship between this exemption and discovery privileges, noting that certain civil discovery privileges were incorporated into Exemption Five but that there were also civil discovery privileges incorporated into other FOIA exemptions.

A large majority of Exemption Five cases involve the deliberative process privilege. In Merrill the Court summarized the main purpose of this privilege as being "to insure that a decision maker will receive the unimpeded advice of his associates. The theory is that if advice is revealed, associates may be reluctant to be candid and frank." 443 U.S. at 359-60. See, Coastal States Gas Corp. v. Department of Energy, 617 F.2d 854, 866-69 (D.C. Cir. 1980), for a fuller discussion of the purposes served by this privilege. Typical deliberative matter includes recommendations, proposals, suggestions, drafts, comments, advice, and the like. Purely factual matter, however, is rarely deliberative.

There are a number of collateral principles associated with the deliberative process privilege. The first is that the communication must be predecisional. N.L.R.B. v. Sears, Roebuck & Co., supra.

Even if a document was predecisional originally, it can lose its protection under Exemption Five if the agency either adopts it as a final decision or incorporates it into one. If it is not adopted or incorporated, it remains within the privilege even after the decision is made.

The deliberative process privilege does not protect final agency decisions or documents which report, explain or justify, a final decision. Furthermore, even predecisional documents are not protected by the deliberative privilege to the extent they contain reasonably segregable factual matter, or even opinions on question of fact, except when such portions are inextricably intertwined with deliberative matter or a deliberative process.

Any question as to whether the attorney work-product privilege was incorporated into Exemption Five was settled in the affirmative by the Supreme Court in N.L.R.B. v. Sears, Roebuck & Co, supra. This privilege's purpose is to protect the integrity of the adversary process and thus its scope is limited to records prepared in reasonable anticipation of litigation.

The incorporation of at least part of the attorney-client privilege into Exemption Five was recognized by the D.C. Circuit in Mead Data Central v. Department of the Air Force, 566 F.2d 242 (D.C. Cir. 1977). The purpose of this privilege is to encourage frankness on the part of a client (including an agency) seeking legal counsel regardless of whether litigation is contemplated. It includes only confidential information communicated by the client to the attorney, and thus protects communications from the attorney to the client only to the extent they tend to reveal such confidential information. The privilege is lost if the information is no longer confidential.

The fourth and last type of privilege currently accepted as being within Exemption Five is that recognized by the Supreme Court in Federal Open Market Committee v. Merrill, supra. Based on Rule 26(c)(7) of the Fed. Rule Civ. Pro., it is a qualified privilege for commercial information generated by the Government in the course of awarding a contract. Its purpose is to prevent the Government's being placed in a disadvantageous negotiating position. It therefore expires after the contract is awarded.

The 5th Circuit has incorporated the related qualified privilege set forth in Rule 26(b)(4)(B) for records generated by an expert witness who is not expected to testify. Hoover v. United States Department of Interior, 611 F.2d 1132 (5th Cir. 1980).

The meaning of the phrase "inter-agency or intra-agency" in Exemption Five has generated considerable controversy as to whether agency records generated by non-agency personnel are within its scope. It was established that a written comment from an unpaid outside consultant whose advice was needed to act on a grant application was eligible for withholding. Wu v. National Endowment for Humanities, 460 F.2d 1030 (5th Cir. 1972). This holding was recently extended to appraisal reports prepared for a fee by independent appraisers. Hoover v. United States Department of Interior, supra.

Such controversies may have been terminated by the D. C. Circuit in Ryan v. Department of Justice, 617 F.2d 781 (D.C. Cir. 1980), when it held: "Congress apparently did not intend 'inter-agency' and 'intra-agency' to be rigidly exclusive terms, but rather to include any agency document that is part of the deliberative process." 617 F.2d at 790. However, the qualification, "is part of the deliberative process," makes it doubtful whether all external submissions will be held covered.

On May 5, 1977, Attorney General Bell sent a letter to all federal agencies which was largely designed to discourage the use of Exemption Five where release of the document would not involve a sufficient prospect of actual harm to legitimate public or private interests to justify defense of a possible suit. This policy was explained and applied in a memorandum issued by the Office of Information Law and Policy on June 6, 1979, and entitled "Policy Guidance--When to Assert the Deliberative Privilege under FOIA Exemption Five."

## Exemption Six (6)

This exemption covers certain information about individuals (i.e., human beings). It allows the withholding of such information in "personnel and medical files and similar files" when its disclosure "would constitute a clearly unwarranted invasion of personal privacy."

Thus, the threshold question is whether the records fall within the prescribed category of "personnel and medical files and similar files." This question was largely ignored for a number of years but has received substantial attention in recent months. Personnel and medical files are normally easy to identify; therefore, the controversy relates to the meaning to be given the phrase "similar files."

The traditional view is that it should be read broadly to include all records which, "like medical and personnel files, contain information of a personal or confidential nature." Madiera Nursing, Etc. v. N.L.R.B., Region No. 9, 615 F.2d 728 (6th Cir. 1980). See, generally: Wine Hobby U.S.A., Inc. v. I.R.S., 502 F.2 133 (3rd Cir. 1974); Getman v. N.L.R.B., 450 F.2d 670 (D.C. Cir. 1971). This reading of "similar" is supported by the Privacy Act, which contains several indications that Congress was aware of FOIA in passing it, and which defines the types of records to which it applies to include "any item...of information about an individual that is maintained by an agency...". It is also supported by the evident objectives of these provisions, to protect individuals generally from the adverse effects of disclosures about them unless there is a proper legal basis for the disclosure.

The meaning of "similar files" was recently discussed at length by the D.C. Circuit in Board of Trade v. Commodity Futures Trading Commission, ___F.2d___ (D.C. Cir. 1980). The information at issue was the identities of individuals acting as "trade sources" who had provided information and comments to the Commission on a particular matter. The court held that the records involved were not "similar files" within the meaning of Exemption Six.

Despite this opinion, it still appears to be correct at least to consider the application of Exemption Six to any record which contains information about an individual "of a personal or confidential nature." Personal information in this context should be deemed "to include information about an individual for which he could reasonably assert an opinion to withhold from the public at large because of its intimacy or its possible adverse effects upon himself or his family."

These carefully chosen words are from the Attorney General's "Blue Book" on the 1974 FOIA Amendments, pp. 9-10.

There is general agreement that determining whether a specific invasion of personal privacy is clearly unwarranted requires a balancing of its seriousness (i.e., degree of distress, embarrassment, harassment, injury or damage, etc., likely to result from disclosure) against the public interest, if any, which will be served by release. In performing this balancing, there is some question whether the public interest to be weighed is that in a release to the particular requester or that in a release to the entire public. The clear weight of authority, however, is that it is sometimes permissible to balance the private injury and the public benefits of a release to the particular requester. Thus, home addresses may not be exempt from release to state income tax authorities or scholarly researchers for specified beneficial purposes, but would be exempt from release for unspecified or random use such as, e.g., commercial solicitation or retaliation against the individual or his employer.

Any Exemption Six material must be disclosed, so far as that exemption is concerned, if the identity of the individual can be adequately protected by deleting matter that might identify him, and, of course, Exemption Six cannot be used to deny an individual access to information about himself.

Although Exemption Six does not protect the personal privacy of an individual who has died, records about a dead individual may be withholdable to protect the privacy of relatives and associates still living if the information about the deceased also constitutes information which meets Exemption Six standards about the family or other background of persons still living. It is usually an invasion of privacy to disclose that one's mother was a prostitute whether or not the mother is still alive.

It should be noted that the portion of this discussion dealing with public interest balancing also applies to Exemption 7(C).

## Exemption Seven (7)

This exemption, which was amended in 1974, exempts "investigatory records" which are compiled for "law enforcement purposes" to the extent that any one of the six types of harm specified in subparagraphs (A)-(F) is present. These clauses are discussed below. An investigation is for "law enforcement purposes" if it is violation oriented, or if it is a personnel background security investigation. If the agency lacks authority to conduct the particular investigation, Exemption Seven may not be invoked. Weissman v. C.I.A., 565 F.2d 692 (D.C. Cir. 1977). Of course, this limitation would not usually apply to preliminary agency investigations to determine whether there is sufficient reason to involve a law enforcement investigatory agency.

A showing of the law enforcement purpose of a particular investigation is not required of a criminal law enforcement agency. It is sufficient that there be "a colorable claim of a rational nexus between the organizations and the activities being investigated and violations of federal law." Irons v. Bell, 596 F.2d 468, 472 (1st Cir. 1979). See also Kuehnert v. F.B.I., 620 F.2d 662 (8th Cir. 1980).

General agency audits, reviews, or "investigations" of the manner in which the agency accomplishes its mission are not "law enforcement" investigations. Rural Housing Alliance v. Department of Agriculture, 498 F.2d 73 (D.C. Cir. 1974). The exemption applies to civil as well as to criminal law enforcement investigations. Williams v. I.R.S., 479 F.2d 317 (3rd Cir. 1973), cert. denied, 414 U.S. 1024 (1974). It also applies to the administrative (i.e., regulatory) law enforcement proceedings. A comprehensive discussion of this exemption and each of its six clauses is found in the Attorney General's "Blue Book" on the 1974 FOIA Amendments.

Exemption 7(A) -- Interference with Enforcement Proceedings. Many of the FOIA requests and resulting FOIA litigation involving Exemption 7(A) stem from efforts by persons who have civil or criminal disputes with government agencies to use FOIA to aid them in these disputes. The "enforcement proceedings" referred to in Exemption 7(A) can be prospective or pending, state or federal, judicial or administrative, investigatory or adversary. In exceptional cases, such as investigations conducted to protect the President, continuous, active and concrete efforts to enforce the law directly by thwarting possible violations -- although not directed toward a possible prosecution or other adversary proceedings -- have been held to constitute enforcement proceedings for purposes of Exemption Seven. Moorefield v. United States Secret Service, 611 F.2d 1021 (5th Cir. 1980).

Since "any person" may request reasonably described records under subsection (a)(3), one's status as the subject of government investigation or as a party opposing the government in court does not preclude use of the FOIA. Ordinarily, litigants or subjects of a government investigation or case do not have any greater or lesser rights under the FOIA than other persons. A number of courts, however, have analyzed the nature of the Government's burden of proof to establish the requisite "interference" for withholding under Exemption 7(A) in ways that seem to take account of whether the requester is an actual or prospective litigant.

In the leading case of N.L.R.B. v. Robbins Tire & Rubber Co., 437 U.S. 214 (1978), the Supreme Court rejected the position that "interference" must always be established on a document-by-document basis, and held that determinations as to the proper application of Exemption 7(A) to the records there in dispute could be made generically, based on the type of record involved. More particularly, the Supreme Court found that the N.L.R.B. had established "interference" with its pending unfair labor practice enforcement proceeding by showing that all the records withheld were witness statements obtained for use in the enforcement proceeding. The primary basis for the Court's decision was its acceptance of the N.L.R.B.'s claim that release would create a great potential for witness intimidation.

The Robbins Tire interpretation of Exemption 7(A) is in accord with numerous lower court decisions. These decisions generally support the view that the 1974 amendments to Exemption Seven did not change the original Congressional intent that FOIA should not be used to provide an actual or potential defendant with earlier or greater access to open investigatory files pertaining to his case than he would otherwise have. See, e.g., United States v. Murdock, 548 F.2d 599 (5th Cir. 1977); Title Guarantee v. N.L.R.B., 534 F.2d 484 (2d Cir. 1976); cert. denied, 97 S. Ct. 98 (1976); Climax Molybdenum Co. v. N.L.R.B., 539 F.2d 63 (10th Cir. 1976); Roger J. Au and Son, Inc. v. N.L.R.B., 538 F.2d 80 (3d Cir. 1976); New England Medical Center Hospital v. N.L.R.B., 548 F.2d 377 (1st Cir. 1976).

A major problem confronting the courts and government agencies has been the impact of Robbins Tire and other court decisions on the Government's burden of proof for establishing the 7(A) exemption in instances where there are hundreds or thousands of records involved in the FOIA suit. If a detailed Vaughn index (Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973) -- see Chapter X, infra) is required, there can be a resulting serious practical impediment to the Government's enforcement proceeding, both from the process of preparing such an index and from making it available to the plaintiff. Indeed, because information in the index could itself disclose the parameters of the Government's case, including gaps in what its investigators know, some courts have permitted the in camera filing of Vaughn affidavits and/or indices. See Kanter v. Internal Revenue Service, 433 F. Supp. 812, 823-24 (N.D. Ill. 1977); Tarnopol v. FBI, 442 F. Supp. 5 (D.D.C.

1977); Steinberg v. Internal Revenue Service, 463 F. Supp. 1272 (S.D. Fla. 1979).

Even if a Vaughn index can be filed in camera, experience with FOIA cases involving large numbers of documents related to an open civil or criminal law enforcement proceeding has shown that a practical interference can result from the diversion of limited agency resources from the law enforcement proceeding to the preparation of detailed Vaughn affidavits and indices for the FOIA case. For this reason, in certain recent cases decided after the Robbins Tire decision, courts have rejected the plaintiff's motion for detailed document-by-document Vaughn indices and found instead that the government could meet its burden by submitting "generic" affidavits which group the documents into categories and specify the type of harm which would flow from releasing documents in a given category. See, Moorefield v. United States Secret Service, supra; Barney v. Internal Revenue Service, 618 F.2d 1268 (8th Cir. 1980).

On the other hand, Bristol-Meyers Co. v. F.T.C., 598 F.2d 18 (D.C. Cir. 1978), can be read as requiring a Government agency, even after Robbins Tire, to submit a document-by-document Vaughn index to support a 7(A) exemption claim for investigatory records related to an open enforcement proceeding in at least some situations, including certain ones where the records sought are not available in discovery. See, Britt v. Internal Revenue Service, 78-2 U.S.T.C., ¶ 9841 (D.D.C. 1978) (Exemption 7(A)) held not to apply per se to a document that had been denied the plaintiff in discovery proceedings in a pending Tax Court case) and cf. Ray v. Turner, 587 F.2d 1187, 1203-1214 (D.C. Cir. 1978) (concurring opinion). It would appear that agencies may not be able to avoid FOIA disclosures in conjunction with agency adjudicatory proceedings by the simple expedient of adopting nonstatutory discovery rules barring all prehearing disclosure of investigatory records. The fact that documents sought through FOIA are not available in discovery in related agency adjudicatory or judicial proceedings may strongly suggest, but not always mean, that Exemption 7(A) applies.

Finally, despite some uncertainty, the better view supports the availability of the 7(A) Exemption for investigatory records in a file that has been technically closed but which may be pertinent to another and still active proceeding. New England Medical Center Hospital v. N.L.R.B., 458 F.2d 377, 385 (1st Cir. 1976); AMF Head Division of AMF v. N.L.R.B., 564 F.2d 374 (10th Cir. 1977).

Exemption 7(B) -- Depriving a Person of a Fair Trial or an Impartial Adjudication. This exemption, which is aimed at prejudicial publicity, is rarely asserted and has not been the subject of any significant judicial interpretation.

Exemption 7(C) -- Unwarranted Invasion of Personal Privacy. To a great extent, the law concerning Exemption Six which authorizes withholding other records that would result in a "clearly unwarranted invasion of personal privacy" if released is applicable here, although the omission of the word "clearly" where the records are investigatory means that the burden of proof to justify withholding is lower under 7(C). See, Deering Milliken v. Irving, 548 F.2d 1131, 1136 (4th Cir. 1977). And cf., Dept. of Air Force v. Rose, 425 U.S. 352, 378-379, n. 16 (1976).

Exemption 7(C) has frequently been applied to withhold references to persons who were of "investigative interest" to a criminal law enforcement agency. See, e.g, Kuehnert v. Webster, 620 F.2d 662 (8th Cir. 1980); Librach v. F.B.I., 587 F.2d 372 (8th Cir. 1978); cert. denied, 440 U.S. 910 (1979); Maroscia v. Levi, 569 F.2d 1000 (7th Cir. 1977). The Court of Appeals for the District of Columbia Circuit has held that although in most cases there are good reasons for nondisclosure of the identities of persons investigated but not prosecuted these reasons are not sufficient to justify withholding in all circumstances; i.e., a balancing may sometimes require disclosure. Common Cause v. National Archives, ___F.2d___, (D.C. Cir. 1980) (No. 79-1637).

Courts have repeatedly held that Exemption 7(C) should be construed to protect the identity of certain individuals who provide information to law enforcement agencies during the course of an investigation. In such situations Exemption 7(C) may duplicate the first part of Exemption 7(D), discussed below. The privacy interest being protected in such instances is not necessarily confined to the protection of any personal details about himself which the individual may have furnished, but rather is related to his interest in being free from the harassment or opprobrium which may flow from public knowledge that he provided information about another to a government law enforcement agency. See, e.g., Lesar v. United States Department of Justice, ___F.2d ___ (D.C. Cir. 1980); Maroscia v. Levi, 569 F.2d 1000 (7th Cir. 1977); Shaver v. Bell, 433 F. Supp. 438 (N.D. Ga. 1977).

The identities of law enforcement and other government personnel have also been found to be exempt from disclosure pursuant to Exemption 7(C). Lesar v. United States Department of Justice, supra; Nix v. United States, 572 F.2d 998, 1005-06 (4th Cir. 1978); Maroscia v. Levi, supra. Contra, Ferguson v. Kelley, 448 F. Supp. 919, 923-24 (N.D. Ill. 1977).

Exemption 7(D) -- Confidential Source and Information. The first part of this exemption protects, in records of any law enforcement investigation, the identity of a confidential source, but not the information furnished. The second part protects, in addition to the source's identity, any confidential information he or she furnished to criminal law enforcement authorities in the course of a criminal investigation or a lawful national security intelligence investigation. This exemption should not be confined to those instances where either an express promise of confidentiality is given to the individual, or where there is a specific reference on the document itself to maintaining the confidentiality of the informant's identity, but should also apply if the source provided information in circumstances from which an assurance of confidentiality may be reasonably inferred. See, Pope v. United States, 599 F.2d 1383 (5th Cir. 1979); Nix v. United States, supra; Evans v. Dept. of Transportation of United States, 446 F.2d 821, 823-824 (5th Cir. 1971), cert. denied, 405 U.S. 918 (1972).

An area of some controversy has been whether the protection of a source's identity under Exemption 7(D) applies to the identities of state, local, and foreign law enforcement agencies. The trend of the recent cases is to hold the identities of, and the confidential information provided by, these agencies to be exempt in order to enable federal law enforcement agencies to obtain information that would not be forthcoming in the absence of confidentiality. Lesar v. United States Department of Justice, supra; Kuehnert v. Webster, supra; Church of Scientology v. United States Department of Justice, 612 F.2d 417 (9th Cir. 1979); Nix v. United States, supra. Contra, Church of Scientology v. Miller, No. 75-1471 (D.D.C. 1980); Ferguson v. Kelley, 455 F. Supp 324 (N.D. Ill. 1978).

Exemption 7(E) -- Investigative Techniques. Under Exemption 7(E) investigatory records reflecting special techniques or procedures of investigation not otherwise generally known to the public may be withheld. In some cases it is not possible to describe even in general terms these techniques without disclosing the very material sought to be withheld. Hayden v. C.I.A., No. 76-284 (D.D.C. 1980); Stassi v. Department of the Treasury, No. 78-533 (D.D.C. 1979). Several decisions, however, have described the general nature of the technique while withholding the details. E.g., Stassi v. Department of the Treasury, supra (microfilm search and computer terminal codes); Boyce v. Deputy Director, No. 78-84 (D.D.C. 1979) (procedures unique to counterfeiting investigations); Malloy v. United States Department of Justice, 457 F. Supp. 543 (D.D.C. 1978) (bait money, bank security devices, investigative leads and the bank layout). In Ferguson v. Kelley, 448 F. Supp. 919, 926 (N.D. Ill. 1977), the court held that "security flashes" and the "tagging of fingerprints" do not qualify as investigatory techniques protectible under Exemption 7(E).

Exemption 7(F) -- Safety of Law Enforcement Personnel. This exemption protects matter which would, if disclosed, endanger such personnel, particularly undercover agents.

### Exemption Eight (8)

This exemption covers information which is "contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions...."

Exemption Eight received little judicial attention for the first 11 years of FOIA's operation. The only decision of consequence during that period was one holding that national securities exchanges and broker-dealers are not "financial institutions" for purposes of the exemption. M.A. Schapiro & Co. v. S.E.C., 339 F. Supp. 467 (D.D.C. 1972).

In 1978, however, it was interpreted by the D.C. Circuit as "a particularly broad, all-inclusive definition...." Consumers Union of U.S., Inc. v. Heimann, 589 F.2d 531, 533 (D.C. Cir. 1978). The court therefore held that it covered "documents relating to the extent of compliance by certain national banks with the Consumer Credit Protection Act...." Id. at 532.

The court added that the legislative history indicated that Congress had a twofold purpose in adopting Exemption Eight: (1) to protect the security of financial institutions; and (2) "to safeguard the relationship between the banks and their supervising agencies." Id. at 534.

Two years later the same court reversed the district court to hold that Exemption Eight applies even to records of a financial institution which has gone out of business. Gregory v. Federal Deposit Insurance Corp., ___F.2d___ (D.C. Cir. 1980).

### Exemption Nine (9)

This exemption covers "geological and geophysical information and data, including maps, concerning wells." At this writing, it has not been the subject of any significant judicial interpretations.

## Chapter VI

## What Procedures Must a Requester Follow?

Each agency has issued FOIA procedural regulations (published in the Federal Register and, usually, the Code of Federal Regulations) telling the public how to address letters to the agency requesting access to the agency's records, what fees for searching and copying may be charged, how to appeal an initial denial to a higher level in the agency, and the like These procedures may sometimes be waived for reasons of public interest, simplicity, or speed; for example, some office may furnish some types of records in response to telephone requests. Agencies do not ordinarily insist that requesters comply in every respect with the pertinent agency regulations in order to obtain access to agency records.

A request must "reasonably describe" the records to which access is desired, in order to enable the agency to determine what it is for which a search will be made. The fact that a request may seek thousands of documents and entail a burdensome search does not generally invalidate the request. Where substantial search and copying fees may be involved, an agency may provide in its regulations for payment of an advance deposit.

The requester does not have to explain why he wants access to the records, but to do so is often helpful for several reasons: it may sometimes result in a faster or less expensive search; it may sometimes result in a discretionary grant of access to material that is exempt from compulsory disclosure; it may help demonstrate a public interest in release which could counterbalance an individual privacy interest under Exemption Six, or which could lead to a waiver or reduction of the search or copying fees chargeable under the agency's regulations. For similar reasons, a requester may be well advised to include his telephone number in his request, along with an offer to discuss the request with the agency should the agency so desire.

## Chapter VII

## What Procedure Must the Agency Follow?

The 1974 Amendments to FOIA added several procedural requirements for agencies. 5 U.S.C. §552(a)(6). These requirements provide for a two-level administrative consideration of FOIA requests. Agencies are directed to inform the requester of their determinations whether to grant or to deny access to the requested records within ten working days. 5 U.S.C. §552(a)(6)(A)(i). Ordinarily, a grant of access gives the requester the opportunity to inspect the records, obtain copies or both. Note, however, that agencies are not required actually to grant access within ten working days, but only to make a determination whether they will grant access. Access must be granted "promptly" thereafter. 5 U.S.C. §552(a)(6)(C). The only gloss courts have placed on this use of "promptly" is that it is a case-by-case matter of reasonableness. Of course, when only a few records are involved, copies of those released will normally be transmitted with the determination.

If access is denied in whole or part, the agency's letter must inform the requester of: (1) the reasons for the denial, (2) his right to appeal it to the head of the agency (often done by addressing an appeal to a specified office), and (3) the name and title of each person responsible for the denial (presumed to be the signatory of the denial letter unless otherwise indicated).

When a requester does appeal, the agency's determination must be made within twenty working days. 5 U.S.C. §552 (a)(6)(A)(ii). As with initial requests, it is a determination rather than an actual granting of access which must be accomplished within the time period. If all or part of the initial denial is affirmed, the letter must contain: (1) the reasons for the denial, (2) a statement of the requester's right to seek judicial review, and (3) an indication of the name and title of the person or persons responsible for the appeal denial.

There are three specified "unusual circumstances" in which agencies may extend either or both of these time limits for a combined total of ten working days. 5 U.S.C. §552 (a)(6)(B). The agency, however, must give the requester timely written notice of any extension and the reason for it.

A requester may treat an agency's failure to comply with either time limit as an exhaustion of administrative remedies and seek judicial review. If, however, the agency can show that the failure results from "exceptional circumstances" and that it is exercising "due diligence" in processing the request, the court may allow the agency additional time to complete its processing. 5 U.S.C. §552(a)(6)(C).

The need to process a very large volume of requests has been held to constitute "exceptional circumstances," and the agency's commitment of substantial resources to process them on a first-come, first-served basis to constitute due diligence. Open America v. Watergate Special Prosecution Force, 547 F.2d 605 (D.C. Cir. 1976). Contra, Hamlin v. Kelley, 433 F. Supp. 180 (N.D. Ill. 1977).

## Chapter VIII

### Fee Waivers.

As amended in 1974, the only FOIA fees chargeable are "reasonable standard charges" in agency regulations to cover "the direct costs of...search and duplication." 5 U.S.C. §552(a)(4)(A). That provision goes on to specify that even these fees shall be waived or reduced where the agency determines that such action "is in the public interest because furnishing the information can be considered as primarily benefiti general public."

There has been little in the way of judicial re agency decisions not to waive or reduce fees. In 1977, two courts considered the question where an agency's refusal to waive fees and its refusal to release non-exempt records until the fees were paid might constitute an improper withholding which could be enjoined. *Rizzo* v. *Tyler*, 438 F. Supp. 895 (S.D.N.Y. 1977); *Lybarger* v. *Cardwell*, 438 F. Supp. 1075 (D. Mass. 1977). They both held that it might, but differed on the standard of review to be used in determining whether the agency's refusal to waive fees was unlawful. In *Rizzo*, the court held that, since the review was under FOIA subparagraph (a)(4)(B), it was a *de novo* one, but that the indigency of a requester does not automatically require an agency to waive or reduce fees. In *Lybarger*, the court, without mention of subparagraph (a)(4)(B), employed an APA "arbitrary and capricious" standard, the ordinary standard for review of discretionary action.

Earlier that year another court had held, without discussing whether refusal to waive fees might be an improper withholding, that an agency's refusal to waive fees was reviewable on an arbitrary and capricious standard, and found that the refusal before it was arbitrary and capricious. *Fitzgibbon* v. *Central Intelligence Agency*, No. 76-700 (D.D.C. 1977). Recently, this same court, in *Eudey* v. *Central Intelligence Agency*, 478 F. Supp. 1175 (D.D.C. 1979), reaffirmed its earlier decision and gave the most detailed statement to date of what judicial review of this issue entails:

> The statute indicates that the issue to be considered by the agency is whether furnishing the information will primarily benefit the public at large or whether any benefit will inure primar-

> ily to the specific individual requesting the documents. *The agency's decision not to waive fees will be rational, and therefore not arbitrary and capricious, if it is based upon some factor shedding light on that central issue. The identity of the requester and the nature of the information sought under the Act are proper factors for the agency to consider* when faced with a fee waiver request... . If, after considering such factors, the agency concludes that furnishing particular information will not primarily benefit the general public but rather will primarily benefit the individual requester and the agency then denies a request for a fee waiver on that basis, its denial of a waiver will not be arbitrary and capricious. (Emphasis added.) (*Id*. at 1177.)

Of course, if the requester who seeks a fee waiver makes no substantial showing in support of it and the agency does not know why "furnishing the information" should be found to be "primarily benefiting the general public," the agency has little to consider and need not have a particular factor or basis for not granting the waiver or reduction. Where there is such a substantial showing, the agency must consider it, but a rational decision on the waiver fairly made in good faith in the light of the statutory standard will be within the scope of agency discretion and should be upheld if challenged so long as the agency's administrative record reflects the basis for that decision.

For additional guidance on this subject, *see* the Attorney General's "Blue Book" on the 1974 FOIA Amendments at 15-16.

## Chapter IX

### Discretionary Releases.

From time to time agencies voluntarily release records which are exempt from compulsory disclosure under FOIA, either in response to a request for the record or on their own initiative.

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This action may be taken for various reasons or combinations of reasons; e.g., cooperation with state, local or foreign agencies having similar missions, comity with members of the legislature, advancing the agency's functions or other public interests, avoidance of special hardships. The question may then arise whether making such a discretionary release constituted a waiver of the agency's right to assert the applicable exemption as a basis for denying a subsequent request for the same record.

Both the structure of FOIA and the relevant case law, together with general legal principles, indicate that it does not, unless the difference in treatment represented by the denial after the earlier release amounts to an abuse of discretion. As discussed in Chapter X below, it has been conclusively established that the FOIA exemptions in subsection (b) are permissive rather than mandatory. Chrysler Corp. v. Brown, 441 U.S. 281 (1979). Moreover, the prefatory language of subsection (b) makes it clear that the requirement in subsection (a) to make records available to "any person" does not apply to ones which are covered by an exemption. Some years ago the D.C. Circuit upheld per curiam the Department of Justice's denial under FOIA of an FBI investigatory report on Sirhan Sirhan which it had previously released to a California prosecutor and which had subsequently come into the hands of a free-lance writer. Committee to Investigate Assassinations, Inc. v. Department of Justice, No. 3651-70 (D.C. Cir. 1973).

The basic limitation on differences of treatment in releasing an exempt record to one person but not another is that the difference must be reasonable and not unfair. Otherwise, the difference of treatment may be an abuse of discretion subject to judicial review under the Administrative Procedure Act's "arbitrary and capricious" standard. For example, the 8th Circuit found that it was arbitrary and capricious for an agency to give exempt records to one party in a lawsuit but withhold them from the other. *North Dakota* v. *Andrus*, 581 F.2d 177 (8th Cir. 1978).

Under cover of a memorandum to all federal agencies dated June 6, 1980, the Office of Information Law and Policy (OILP) provided legal and policy guidance on this subject, with extensive discussion, in the form of a letter dated May 29, 1980, and addressed to the General Counsel of the Federal Trade Commission. This material is publicly available from OILP.

## Chapter X

## *What Will Happen if the Matter Goes to Court?*

Requesters may challenge an agency's failure to comply with their FOIA requests in federal district court. 5 U.S.C. §552(a)(4)(B). FOIA directs courts to give these cases expedited consideration compared to most other civil litigation. 5 U.S.C. §552(a)(5)(D). The Government's time to answer the complaint is reduced from 60 days to 30. 5 U.S.C. §552(a)(4)(C).

The agency has the burden of proving that the withheld records (including deleted portions of records) are exempt. The court will review this issue *de novo*. The most common form of proof is by affidavit, which may have to be very detailed, describing each of the exemptions claimed. *See*, *Vaughn* v. *Rosen*, 484 F.2d 820 (D.C. Cir. 1973).

The court may, as a matter of discretion, order the agency to produce all or a portion of the records for an *in camera* (by the judge in chambers without participation by the requester) inspection. The requester has no right, however, to insist upon such an inspection.

A very significant section added by the 1974 Amendments empowers courts to award attorney fees and costs to FOIA plaintiffs who substantially prevail. 5 U.S.C. §557(a)(4)(E).

Such awards are discretionary rather than automatic. Thus, there are two questions which must be answered affirmatively before a plaintiff will receive an award. The first is whether he is eligible for an award because he substantially prevailed, and the second is whether he is entitled to an award on the basis of the specific facts of that case.

It should be noted that a plaintiff is eligible for an award if the agency releases records after suit is filed even though the court has not ordered it to do so.

If a court does issue an order enjoining an agency from improperly withholding records and awards the plaintiff attorney fees and costs, it may add "a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding...." 5 U.S.C. §552(a)(4)(F). If it does, the Special Counsel of the Merit Systems Protection Board must investigate the matter and may require the imposition of disciplinary sanctions on the employee. Courts have rarely exercised this power.

There are three jurisdictional elements in 5 U.S.C. §552(a)(4)(B) which must be satisfied before a court can order an agency to release records: (1) the records must be "agency records"; (2) the agency must have "withheld" them from the requester; and (3) such withholding must have been "improper" (except in unusual circumstances, as illustrated below, a withholding is improper if the records are not exempt). There has been an increasing amount of litigation, including three Supreme Court decisions, on these elements, particularly on whether records are "agency records."

The leading case on this question is Forsham v. Harris, ___ U.S. ___, 48 U.S.L.W. 4232 (Mar. 3, 1980), in which the Court held that records which had been generated by private grantees of the (then) Department of Health, Education and Welfare (HEW) in work under the grant, and which had always remained in the grantees' possession, were not agency records despite the facts that H.E.W. had a contract right to obtain copies of the records, and that it had used a report (which was an agency record) based on them in an agency deliberative process. The Court said "that an agency must first either create or obtain a record as a prerequisite to it becoming an 'agency record' within the meaning of the FOIA." ___ U.S. at ___. In effect, H.E.W. had an option to obtain the records, but, since it did not exercise the option, the records remained those of the grantee.

The Court's decision reflects concepts from the law of personal property, in which possession indicates ownership and control unless another person has a better claim to the property. Thus, a strong presumption exists that when a record is in an agency's possession, it is an "agency record" for FOIA purposes. This presumption is not affected by the fact that an entity which is not an agency may also have a copy of the record but, as explained below, it may be rebutted by other ractors.

Prior to the Forsham decision, lower federal courts had recognized that records generated by, and obtained by an agency from the federal judiciary, or from Congress, might not be agency records. See, e.g., Cook v. Willingham, 400 F.2d 885 (10th Cir. 1968) (judicial records); Goland v. Central Intelligence Agency, 607 F.2d 339 (D.C. Cir. 1978), vacated in part, reh. denied, 607 F.2d 367 (D.C. Cir. 1979) (Congressional records). In Goland, there was clear evidence of Congress' intent not to relinquish control of the record in question at the time it was transferred to the agency.

Another aspect of "agency records" is the concept of "personal records." In the leading case on this point, the court held that notes made by an agency employee could be his own and outside the FOIA concept of "agency records" if they were made and kept purely voluntarily and "not circulated to nor used by anyone other than the authors, and are discarded or retained at authors' sole discretion for their own individual purposes in their own personal files." Porter County Chap., Etc. v. United States Atomic Energy Commission, 380 F. Supp. 630, 633 (N.D. Ind. 1974). The decision is a sound one, because such notes are nothing more than an adjunct to the individual's own memory and thoughts, but the rule is not appropriate for expansion. The problem was again faced in the lower court opinions leading to the Supreme Court's decision (discussed below) in Kissinger v. Reporters Committee, ___ U.S. ___, 48 U.S.L.W. 4223 (Mar. 3, 1980). The lower courts, in actions consistent with Porter County but without citing it, rejected arguments that transcripts of Kissinger's phone calls while Secretary of State were personal records rather than agency ones; the transcripts had been available to some of Kissinger's assistants. Reporters Committee For Freedom of the Press v. Vance, 442 F. Supp. 385 (D.D.C. 1977), aff'd mem., 589 F.2d 1116 (D.C. Cir. 1978). The Supreme Court, however, did not address this issue.

Questions have been raised as to whether other types of records in an agency's possession are agency records. In general, the courts have been extremely reluctant to accept arguments that they are not. See, e.g., Weisberg v. Department of Justice, ___ F.2d ___ (D.C. Cir. 1980) (copyrighted materials); Crooker v. Office of the Pardon Attorney, 614 F.2d 825 (2d Cir. 1980) (records of the Office of the Pardon Attorney); Ryan v. Department of Justice, 617 F.2d 781 (D.C. Cir. 1980) (Senators' responses to a questionnaire concerning their procedures for selecting recommended candidates for federal judgeships); Government Sales Consultants, Inc. v. G.S.A. No. 77-1294 (D.D.C. 1979) (contract proposals).

The second jurisdictional element for court action under FOIA is that the agency record was "withheld" by the agency from the requester. The fact that a record may be an agency record is irrelevant under the Supreme Court's decision in Kissinger if the agency no longer has possession and control of the record when it was requested. Kissinger indicates that in this situation there is no "withholding" for a court to enjoin. Obviously, if there is no withholding, there cannot be any improper withholding. The Court did leave open the question of whether a different result would be reached if "an agency official purposefully routed a document out of agency possession in order to circumvent a Freedom of Information Act request." ___ U.S. at ___, n.9.

In a subsequent decision the Supreme Court dealt with the third jurisdictional element, the "improper" character of a withholding. GTE Sylvania, Inc. v. Consumers Union, ___ U.S. ___, 48 U.S.L.W. 4293 (Mar. 19, 1980). The court held that it was possible for an agency's withholding of agency records to be proper even when the records were in the agency's possession and when they might not be exempt. In that case, the withholding was held not to be "improper" because the agency was under an injunction from another district court not to release the records. In the vast majority of FOIA cases, however, it will be clear that the agency has withheld agency records, and the principal issue will be whether the withholding was improper because the records are not within any exemptions.

## Chapter XI

## How Does FOIA Interrelate with the Privacy Act?

The Privacy Act, 5 U.S.C. §552(a), governs the manner in which the Federal Government collects, uses, and disseminates certain information about individuals. It also grants individuals a right of access, subject to certain exceptions, to records pertaining to themselves. An individual may utilize either the Privacy Act or FOIA or both to seek access to information about himself in agency records, and is entitled to the cumulative total of access rights under the two Acts. Some agencies have created single units to process requests under both Acts. But the two Acts differ considerably in purpose, scope, procedures, and effects.

The general purpose of FOIA is to strengthen the public's right to know, while the Privacy Act is intended to give the individual better control over the gathering, dissemination and accuracy of agency information about himself. FOIA gives any person a right of access to everything in agency records except for information covered by the nine exemptions. The Privacy Act gives individuals a right of access to certain records that contain information about themselves, and it restricts disclosures which agencies can make of these records to other persons and agencies without the subject individual's consent. The restriction against disclosing records about the individual to others is subject, however, to the exceptions listed in subsection (b). FOIA constitutes one of the exceptions to this restriction, and is thus an important limitation on the individual's protection under the Privacy Act from access by other persons to records about himself. 5 U.S.C. §552a(b)(2).

The two Acts also are different in scope: all agency records are under FOIA, but only records in a "system of records" are subject to the Privacy Act. A "system" is defined as a group of records from which information is "retrieved" by the individual's name, social security number, or other individual identifier. Also, the concepts of "records" under the two Acts are different: under FOIA a record is any repository of information, while under the Privacy Act a record is defined, in effect, as an item of information about an individual that has been recorded.

The two Acts provide different procedures as to fees, time limits, judicial review and other matters. They also have different sources of guidance: the Justice Department provides guidance to agencies on FOIA, while the Office of Management and Budget provides guidance on the Privacy Act, though with legal assistance from Justice.

The specific way in which the Acts affect the processing of a particular request for records that are subject to both Acts depends on whether it is a third-party request (i.e., where the requester seeks records that pertain to other individuals) or a first-party request (i.e., where the requester seeks records pertaining to himself). Third-party requests for records covered by the Privacy Act must be processed under FOIA in the same manner as if the Privacy Act had not been passed. If the records are not within any of FOIA's exemptions (Exemptions 6 or 7(C) are the ones most likely to apply), they must be released. See, 5 U.S.C. §552(a)(b)(2). I, however, one or more of the FOIA exemptions do apply, the agency cannot make a discretionary release unless authorized to do so by some provision in subsection (b) of the Privacy Act.

First-party requests present much more complicated problems. When the Privacy Act was passed, there was disagreement as to whether it had become the exclusive vehicle for persons seeking their own records from a system of records. The answer to this question is "no." The fact that someone is an individual with rights of access under the Privacy Act does not in any way change the fact that he or she is also a "person" with rights of access under FOIA.

Thus, although it need not be counted as such for an agency's statistical purposes, a Privacy Act request for access to records should normally be considered as, in effect, also a FOIA request. If all or any portion of the requested material is to be denied, it must be considered under the substantive provisions of both Acts. The withholding must be justified by the assertion of a legally applicable exemption in each Act. In practice, agencies will not reach the FOIA exemption question unless the records were exempt under the

Privacy Act because subsection (q) of the Privacy Act provides that no FOIA exemption may be used to deny an individual's Privacy Act rights of access.

In addition to these substantive issues, first-party requests present significant procedural interface problems. FOIA requires that initial requests for access be answered in ten working days and administrative appeals in twenty. The Privacy Act contains no such administrative deadlines for responding to access requests, nor does it provide for administrative appeals of agency denials. The Office of Management and Budget (the lead agency on Privacy Act matters) has recommended that such requests be acknowledged within ten working days and that "[w]henever practicable, that acknowledgment should indicate whether or not access can be granted, and, if so, when." 40 Fed. Reg. 28,957 (1975). Many agencies have provided for appeals of denials by regulation.

The above discussion applies only to first-party requests for records in a Privacy Act system of records. First-party requests for records not in such a system are processed only under FOIA.

## Chapter XII

## How Does FOIA Affect Business Information?

The legal principles determining what business information an agency may withhold are reasonably clear, although these principles may sometimes be difficult to apply with assurance to particular information. Because of the decision by the Supreme Court in Chrysler Corp. v. Brown, Secretary of Defense, 441 U.S. 281 (1979) (Chrysler), discussed below, the legal principles that determine what business information an agency must withhold have become somewhat more defined, although the application of those principles remains subject to various doubts.

FOIA Exemption Four is the basic guide to the kinds of information contained in agency records and received from and pertaining to identifiable business firms that may legally be withheld in response to an FOIA request. As discussed above in Chapter V, Exemption Four generally applies when release of the information would involve a substantial risk of competitive injury to the business which directly or indirectly furnished it. In addition, Exemption Three may authorize (or require) withholding of specialized types of business information, typically in certain lines of business of particular concern to a single agency which administers a statute referenced by Exemption Three. Also, Exemptions Eight and Nine obviously authorize withholding of certain business information, e.g., of financial institutions and oil producers.

18 U.S.C. §1905 (§1905) also impacts upon this subject. It is a general criminal statute which prohibits the release of specified commercial or financial information unless the release is "authorized by law." It has been hotly debated whether §1905's scope is narrower, broader, or the same as that of Exemption Four, and also whether it is included within Exemption Three.

These and other issues came together in Chrysler, which was the first "reverse-FOIA" case to reach the Supreme Court. The term "reverse-FOIA" comes from the fact that the plaintiff (usually a submitter of business information) is suing an agency to block it from releasing records rather than to compel it to do so. In Chrysler the agency took the position that it did not matter if the records were covered by Exemption Four because, even if they were, it could release them as a matter of discretion pursuant to agency regulations. It argued that §1905 did not apply to official agency decisions to release records, and that, even if it did, these regulations satisfied that statute's "authorized by law" exception.

The Court agreed that Exemption Four (as well as all other FOIA exemptions) were permissive rather than mandatory;

i.e., they permit, rather than require withholding. Thus, it rejected Chrysler's argument that Exemption Four created a private right of action to enjoin agency releases.

It also held that §1905 did not create such a private right of action. It rejected, however, the Government's argument that §1905 did not apply to official agency decisions to release records, holding that a plaintiff could get judicial review of these decisions under the Administrative Procedure Act and that §1905 was relevant to such a review (because a release which would violate §1905 would be unlawful under 5 U.S.C. §706(2)(A)).

With regard to the Government's "authorized by law" argument, the Court held that in a proper case agency regulations could satisfy this exception, but that the ones in this case failed to do so because there was not a sufficient "nexus" between their content and any legislative grant of authority to the agency which promulgated them.

The Court declined to define the scope of §1905 relative to that of Exemption Four, and to decide whether §1905 was an Exemption Three statute.

On remand to the 3rd Circuit, the Government contended: (1) that §1905 was narrower in scope than Exemption Four, and (2) that §1905 was not a (b)(3) statute. The court further remanded the case to the agency, however, without addressing these issues.

Prior to the Supreme Court's decision in Chrysler, some decisions appeared to assume with little discussion that Exemption Four and §1905 were identical in scope. See, however, Charles River Park "A" v. H.U.D., 519 F.2d 935 (D.C. Cir. 1975). There was also extensive case law holding that §1905 was not an Exemption Three statute. There have been conflicting post-Chrysler decisions on this latter issue. See, e.g., General Dynamics v. Marshall, ___ F.2d ___ (8th Cir. 1979) (indicating that it is not); Burroughs Corp. v. Brown, No. 78-520-A (E.D. Va. 1979) (indicating that it is).

There have also been conflicting decisions with regard to the application of the Chrysler "nexus test" described above. Some courts have held there is a sufficient nexus between disclosure regulations promulgated by the (then) Department of Health, Education and Welfare and a legislative grant of authority in 42 U.S.C. §1306(a), so that these regulations satisfy §1905's "authorized by law" requirement. E.g., Humana of Virginia v. Blue Cross of Virginia. 622 F.2d 76 (4th Cir. 1980); Parkridge Hospital, Inc. v. Califano, ___ F.2d ___ (6th Cir. 1980); St. Mary's Hosp. v. Harris, 604 F.2d 407 (5th Cir. 1979); St. Joseph's Hosp. v. Blue Cross, 614 F.2d 1290 (2d Cir. 1979), cert. den., ___ U.S. ___ (1980). Others have disagreed, e.g., Washington Hosp. Center v. Mutual of Omaha, No. 78-2485 (D.D.C. 1979); Hospital Affiliates v. Califano, No. 77 C 3088 (N.D. Ill. 1979).

Thus, the main principle that is clearly established in this area is that, when an agency correctly determines that records are covered by Exemption Four and are also within the scope of §1905, the latter prohibits their release unless its "authorized by law" exception is satisfied. If the agency claims that a regulation satisfies this exception, it must be able to establish that there is a sufficient nexus between the regulation and a legislative grant of authority encompassing disclosure.

Business information may enter agency records through regulatory, procurement, or almost any other kind of government activity. It is not possible to describe all the kinds of information from business concerns found in agency records that may (and often must) be withheld by the agency, but important general categories that are likely to contain largely protectible information include, e.g., trade secrets in the strict sense of a valuable secret formula, process, or the like; technical designs or data of value to the company or to its competitors; internal cost information for current or recent periods; information on financial condition, the release of which might injure the company; resumes of key company personnel and data on how they are utilized; and information on customers, sources of supply, or business plans that are valuable to the company and not known to competitors.

The more damaging the release of the information would be to the company, the greater the likelihood that the agency will be able to withhold it, will in fact do so, and will be enjoinable if it should decide to release. The principal limitations on this statement are situations: (a) where the agency feels it lacks, and the company does not supply, enough information to justify agency determinations that the records are exempt and that a denial could be successfully defended in court; and (b) where the agency believes that release of the information is authorized by law and should be made. Sometimes a company seeking to persuade an agency to protect purportedly confidential business information will have to educate the agency with respect to the competitive harm that would result from disclosure.

Some agencies provide procedures whereby a company can obtain a determination in advance of submission as to whether or not the agency considers the information withholdable under Exemption Four. The alternative, of course, is for the agency to obtain the information if it can, and await a FOIA request before considering the applicability of Exemption Four. From the Government's point of view, the principal advantage of predetermination is to facilitate the voluntary submission of business information to an agency by providing some advance assurance to the company that its confidences will be kept. The apparent attractions of predetermination procedures must be weighed against the time and effort they require in reviewing material which, if in fact it should ever be requested under FOIA, may have to be reviewed again to see if the potential for injury is still present when measured against the effects of time, the arguments of the requester, and possible new case law. Regardless of any predetermination procedures, most agencies will notify a company of an FOIA request involving records it submitted so that it can raise any exemption arguments, if there is a real possibility of the agency's releasing these records. If the submitting company does object to disclosure, these agencies will normally give it advance notice of a determination to release any of the records.

## Chapter XIII

## Selected FOIA Reference Sources.

I. Congressional References:

- A. Freedom of Information Act Source Book: Legislative Materials, Cases, Articles, Senate Doc. No. 93-82, 93d Cong., 2d Sess. (1974) (formerly available for purchase from the Government Printing Office (GPO), stock no. 052-070-02303-1, but now out of print).
- B. Freedom of Information Act and Amendments of 1974, (P.L. 93-502), Joint Committee Print, 94th Cong., 1st Sess. (1975) (formerly available for purchase from GOP, stock no. 052-070-02805-0, but now out of print).
- C. A Citizen's Guide On How To Use The Freedom Of Information Act And The Privacy Act In Requesting Government Documents, H. Rpt. No. 95-793, 95th Cong., 1st Sess. (1977) (available for purchase from GPO, stock no. 052-071-00540-4).
- D. Freedom of Information Act Requests For Business Data And Reverse-FOIA Lawsuits, H. Rpt. No. 95-1382, 95th Cong., 2d Sess. (July 20, 1978).
- E. Freedom of Information: A Compilation of State Laws, (Senate) Committee Print, 95th Cong., 2d Sess. (1978) (distributed by GPO, stock no. 052-070-04741-1).
- F. Agency Implementation of The 1974 Amendments To

Freedom of Information Act, (Senate) Committee Print, 95th Cong., 2d Sess. [sic] (1980).

II. Justice Department References:

A. Attorney General's Memorandum On The Public Information Section Of The Administrative Procedures Act (1967) (the original A.G.'s Blue Book; it is now partly obsolete due to amendments to FOIA and case law -- available for purchase from GPO.)

B. Attorney General's Memorandum On The 1974 Amendments To The Freedom Of Information Act (1975) (the A.G.'s Blue Book on the 1974 Amendments -- available for purchase from GPO).

C. Freedom of Information Case List. Published periodically by the Office of Information Law and Policy, it is an annotated alphabetical list of court decisions involving FOIA, and contains a topical index and other research aids (available for purchase from GPO).

D. A Short Guide To The Freedom of Information Act. The current edition at this writing is that of September, 1980. The Third Edition of this brief text on FOIA is contained in the September, 1980, edition of the Case List (the preceding item).

E. FOIA UPDATE. A quarterly newsletter published by the Office of Information Law and Policy, primarily to provide information and guidance for the administration of FOIA by federal agencies. Subscriptions are available for purchase from GPO, stock no. 027-000-80002-5.

III. Private Sector References:

A. Periodic services:

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